

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF ALABAMA,

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST  
MONDAY IN DECEMBER, 1842.

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# JOURNAL OF THE HOUSE.

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TUSCALOOSA, MONDAY, December 5th, 1842.

On Monday, the fifth day of December. A. D., one thousand eight hundred and forty-two, being the day fixed by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives appeared in the Representative Hall of the State Capitol, in the city of Tuscaloosa, were qualified, and took their seats, to wit: From the county of

AUTAUGA—William S. Morgan, John E. Mitchell.

BALDWIN—W. H. Gasque.

BARBOUR—J. W. A. Pettit.

BENTON—William B. Martin, Miles W. Abernathy, John Cochran.

BIBB—Robert Hill, K. Morrison.

BUTLER—W. Watts, H. L. Henderson.

BLOUNT—Godfrey Fowler, Isaac Whorton.

CHAMBERS—Charles McLemore, William G. Morgan.

CHEROKEE—Thomas B. Cooper, J. M. Hendrix.

CLARKE—Peter Dubose.

CONECUH—Churchill Jones.

COOSA—A. H. Kendrick.

COVINGTON—Josiah Jones.

DALLAS—William H. Norris, J. M. Calhoun.

DE KALB—William O. Winston, John M. Lankford.

FAYETTE—James M. Morris, E. Marchbanks.

FRANKLIN—Felix G. Norman, B. R. Garland, John T. Richeson.

GREENE—John Erwin, J. M. Witherspoon, William G. Jones.

HENRY—James Pynes, William Gamble.

JACKSON—Alva Finley, E. W. Williams, James Mundy, R. T. Scott.

JEFFERSON—Samuel S. Earle, L. G. McMillion.

LAWRENCE—Tandy W. Walker, D. H. Valliant, David Hubbard.

LAUDERDALE—Jonathan Douglass, John S. Kennedy.

LIMESTONE—E. H. English, Waddy Tate.

LOWNDES—Alfred Harrison.

MACON—Whiting Oliver.

MADISON—David Moore, C. C. Clay, jr., James Robinson, J. W. McClung.

MARENGO—Joseph Pickett, John W. Henley.

MARION—Leroy Kennedy.

DALE and COFFEE—Levin S. Skipper.

MARSHALL—William M. Griffin, James Fletcher.

MOBILE—Isaac H. Erwin, Thomas W. McCoy, J. A. Campbell, Wm. D. Dunn.

MONROE—William Cunningham.

MORGAN—F. M. Roby, G. P. Rice.

MONTGOMERY—Robert J. Ware.

PERRY—William L. Miree, John Barron, Andrew B. Moore.

PICKENS—Nathan Smith, Thomas Williams, Reuben Gardner.

PIKE—James H. Crowder, B. W. Hodges.

RANDOLPH—Jeremiah Murphy.

RUSSELL—Britain D. Harris.

SHELBY—John S. Storrs, Wilson M. Kidd.

ST. CLAIR—James P. Bothwell.

SUNTER—William Woodward, Isaac F. Dortch, John A. Winston.

TALLADEGA—John W. Bishop.

TALLAPOOSA—Leroy Gresham.

TUSCALOOSA—B. F. Porter, William P. Meriwether, Marion Banks, William R. Smith.

WALKER—James Cain

WASHINGTON—B. L. Turner.

WILCOX—Charles Dear, John W. Bridges.

On motion of Mr. Rice, Mr. McClung was called to the chair, and the Secretary of State appointed Clerk *pro tem*.

The House then proceeded to the election of Speaker—*John Erwin*, of Greene, and *Charles McLemore*, of Chambers, being in nomination.

Those who voted for Mr. *Erwin*, are Messrs. Abernathy, Barclay, Bishop, Bothwell, Bridges, Cain, Calhoun, Campbell, Clay, Dortch, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov., Kendrick, Kennedy of L., Kennedy of M., Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M., Moore of P., Morgan of A., Morris, Morrison, Mundy, Murphey, Norman, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P., Tate, Turner, Valliant, Walker, Whorton, Williams of J., Williams of P., Winston of DeK., Winston of S. and Woodward.

Those who voted for Mr. *McLemore*, are Messrs. Banks, Cooper, Crowder, Cunningham, Dear, Dunn, Erwin of M., Gardner, Gresham, Harris, Henley, Jackson, Jones of Con., Jones of G., Kidd, McCoy, Mitchell, Morgan of C., Norris, Oliver, Pettit, Pickett, Smith of T., Storrs, Ware, Watts and Witherspoon.

Mr. *Erwin* having received a majority of the votes given, Mr. Chairman declared him duly and constitutionally elected Speaker of the

House of Representatives, for the present session. He was conducted to the chair by Messrs. Rice, Campbell and Calhoun, and expressed his gratitude to the House for the honor conferred, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of Principal Clerk—*James H. Moseley, James A. L. Purdom* and *Joseph Phelan*, being in nomination.

Those who voted for Mr. *Moseley*, are Messrs. Speaker, Cooper, Dortch, Dubose, Harris, Jackson, Norman, Walker, Watts, Winston of S. and Woodward.

Those who voted for Mr. *Purdom*, are Messrs. Barclay, Calhoun, Campbell, Clay, Dunn, Earle, Erwin, Hubbard, McClung, McCoy, McLemore, Moore of M., Mundy, Oliver, Robinson and Scott.

Those who voted for Mr. *Phelan*, are Messrs. Abernathy, Banks, Barron, Bishop, Bothwell, Cain, Crowder, Cunningham, Dear, Douglass, English, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Whorton, Jones of Con., Jones of Cov., Jones of G., Kendrick, Kennedy of L., Kennedy of M., Kidd, Lankford, Marchbanks, Martin, McMillion, Meriwether, Miree, Mitchell, Moore of P., Morgan of A., Morgan of C., Morris, Morrison, Murphey, Norris, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Skipper, Smith of P., Smith of T., Storrs, Tate, Turner, Valliant, Williams of J., Williams of P., Winston of DeK. and Witherspoon.

Mr. *Phelan* having received a majority of the votes given, Mr. Speaker declared him duly and constitutionally elected Clerk of the House of Representatives for the present session. He was qualified, and entered upon the duties of his office.

The House then proceeded to the election of an Assistant Clerk—*A. B. Clitherall, James Chiles, Graham Witherspoon, William Simpson* and *James H. Trimble* being in nomination.

Those who voted for Mr. *Clitherall*, are Messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Crowder, Cunningham, Dear, Earle, Fletcher, Fowler, Gardner, Hendrix, Hill, Hodges, Jones of Con., Jones of Cov., Kendrick, Kennedy of L., Kidd, Lankford, Marchbanks, Martin, Meriwether, Miree, Moore of P., Morgan of A., Morris, Mundy, Murphey, Norris, Oliver, Porter, Scott, Smith of P., Smith of T., Storrs, Turner, Ware, Williams of J., Williams of P. and Woodward.

Those who voted for Mr. *Trimble*, are Messrs. English, Findley, Gamble, Garland, Whorton, Kennedy of M., McMillion, Pynes, Richeson, Robinson, Skipper, and Winston of S.

Those who voted for Mr. *Witherspoon*, are Messrs. Speaker, Campbell, Dubose, Gasque, Harrison, McClung, Morrison, Watts, and Witherspoon.

Those who voted for Mr. *Chiles*, are Messrs. Barron, Calhoun, Clay, Cooper, Dortch, Dunn, Erwin, Gresham, Griffin, Harris, Henderson, Henley, Jackson, Jones of G., McCoy, McLemore, Mitchell, Moore of M., Morgan of C., Pettit, Pickett, Rice, Tate, and Winston of DeK.

Those who voted for Mr. *Simpson*, are Messrs. Cain, Douglass, Hubbard, Roby, Valliant and Walker.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a second time—the names of Messrs. *Simpson* and *Witherspoon* having been withdrawn.

Those who voted for Mr. *Clitherall*, are Messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Cain, Clay, Crowder, Cunningham, Dear, Douglass, Earle, English, Fletcher, Gamble, Gardner, Gasque, Hendrix, Hill, Hodges, Whorton, Jones of C., Jones of Cov., Kendrick, Kennedy of L., Kidd, Lankford, Marchbanks, Martin, McMillion, Meriwether, Miree, Moore of P., Morgan of A., Morris, Morrison, Mundy, Murphey, Norris, Oliver, Porter, Pynes, Scott, Smith of P., Smith of T., Storrs, Turner, Ware, Williams of P., and Woodward.

Those who voted for Mr. *Trimble*, are Messrs. Findley, Fowler, Garland, Hubbard, Norman, Richeson, Robinson, Roby, Skipper, Valliant, Walker and Winston of S.

Those who voted for Mr. *Chiles*, are Messrs. Speaker, Barron, Calhoun, Campbell, Cooper, Dortch, Dubose, Dunn, Erwin, Gresham, Griffin, Harris, Harrison, Henderson, Henley, Jackson, Jones of G., McClung, McCoy, McLemore, Mitchell, Moore of M., Morgan of C., Pettit, Pickett, Rice, Tate, Watts, Winston of DeK., and Witherspoon.

Mr. *Clitherall* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Assistant Clerk, during the present session; he was qualified and entered upon the duties of his office.

The House then proceeded to the election of an Engrossing Clerk—*Wilson C. Bibb*, *James Page*, *J. E. McMillion*, *T. F. Samuel*, and *Fitz H. Ripley*, being in nomination.

Those who voted for Mr. *Bibb*, are Messrs. Speaker, Clay, English, Erwin, Findley, Gardner, Gresham, Gasque, Harris, Hodges, Jones of Cov., Jones of G., Kendrick, Kennedy of L., Marchbanks, McClung, McCoy, Moore of M., Morgan of A., Morris, Morrison, Murphey, Oliver, Pettit, Pynes, Robinson, Roby, Scott, Smith of P., Storrs, Tate, Turner, Ware, Williams of P., and Woodward.

Those who voted for Mr. *Page*, are Messrs. Douglass, Garland, Hubbard, Kennedy of M., Norman, Richeson, Walker and Winston of S.

Those who voted for Mr. *McMillion*, are Messrs. Barclay, Barron, Bishop, Bothwell, Cain, Cooper, Crowder, Cunningham, Dear, Earle, Fletcher, Fowler, Gamble, Griffin, Harrison, Henderson, Hendrix, Whorton, Lankford, McMillion, Miree, Moore of P., Mundy, Norris, Rice, Skipper, Valliant, Williams of J., and Winston of DeK.

Those who voted for Mr. *Samuel*, are Messrs. Abernathy, Calhoun, Campbell, Dunn, Henley, Jackson, Jones of C., Martin, Meriwether, Mitchell, Pickett, and Witherspoon.

Those who voted for Mr. *Ripley*, are Messrs. Banks, Dortch, Dubose, Hill, Kidd, McLemore, Morgan of C., Porter, Smith of T. and Watts.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a second time—the name of Mr. *Page* having been withdrawn.

Those who voted for Mr. *Bibb*, are Messrs. Speaker, Abernathy, Calhoun, Clay, Cochran, Douglass, English, Erwin, Findley, Gardner, Gasque, Henderson, Henley, Hill, Hodges, Jones of Cov., Jones of G., Kendrick, Kennedy of L. Marchbanks, McClung, McCoy, Moore of M., Morgan of A., Morris, Morrison, Murphey, Norman, Oliver, Pettit, Pynes, Robinson, Roby, Scott, Smith of P. Storrs, Tate, Turner, Ware, Watts, Williams of P., and Woodward.

Those who voted for Mr. *McMillion*, are Messrs. Barclay, Barron, Bishop, Bothwell, Cain, Cooper, Crowder, Cunningham, Dear, Earle, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Henderson, Whorton, Hubbard, Kennedy of M., Lankford, McMillion, Miree, Moore of P., Morgan of C., Mundy, Rice, Richeson, Skipper, Valliant, Walker, Williams of J., Winston of DeK., Winston of S. and Witherspoon.

Those who voted for Mr. *Samuel*, are Messrs. Campbell, Dunn, Jackson, Jones of C., Martin, Meriwether, Mitchell and Pickett.

Those who voted for Mr. *Ripley*, are Messrs. Banks, Dortch, Dubose, Gresham, Kidd, McLemore, Norris, Porter and Smith of P.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a third time—the names of Messrs. *Ripley* and *Samuel* having been withdrawn.

Those who voted for Mr. *Bibb*, are Messrs. Speaker, Abernathy, Calhoun, Campbell, Clay, Cunningham, Dortch, Douglass, Dubose, Dunn, English, Erwin, Findley, Gardner, Gasque, Gresham, Harris, Henderson, Henley, Hill, Hodges, Jackson, Jones of C., Jones of Cov., Jones of G., Kendrick, Kennedy of L., Kidd, Marchbanks, McClung, McCoy, McLemore, Moore of M., Morgan of A., Morris, Morrison, Murphey, Norman, Oliver, Pettit, Pynes, Robinson, Roby, Scott, Smith of P., Storrs, Tate, Turner, Ware, Watts, Williams of P., Winston of S., and Woodward.

Those who voted for Mr. *McMillion*, are Messrs. Banks, Barclay, Barron, Bishop, Bothwell, Cain, Cochran, Cooper, Crowder, Dear, Earle, Fletcher, Fowler, Gamble, Garland, Griffin, Harrison, Hendrix, Whorton, Hubbard, Kennedy of M., Lankford, Martin, McMillion, Meriwether, Miree, Mitchell, Moore of P., Morgan of C., Mundy, Norris, Pickett, Porter, Rice, Richeson, Skipper, Smith of P., Valliant, Walker, Williams of J., and Witherspoon.

Mr. *Bibb* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Engraving Clerk for the present session; he was qualified and entered upon the duties of his office.

The House then proceeded to the election of Doorkeeper—*James H. Owen* alone being in nomination, and having received ninety-two votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Doorkeeper for the present session; he was qualified and entered upon the duties of his office.

A message was received from the Senate, by Mr. Clitherall, their Secretary:

MR. SPEAKER—I am instructed to inform your honorable body, that the Senate is duly organized, and is now ready to proceed to business—

Honorable Nathaniel Terry, of Limestone, having been unanimously elected President ; George B. Clitherall, Secretary ; Thaddeus C. Scales, Assistant Secretary, and Armstead R. Thomas, Doorkeeper.

The House then proceeded to the election of a Messenger—*Crockett G. Davis, M. Bell, Stephen Sparks, Joseph Hickey, Wm. McKnight, Francis Marshal, Isaac Wildbahn, John M. Moore, James H. Freeman, Robert Caruthers, Thomas M. Gleason, Marcus L. McMillion, and Wiley Bucker*, being in nomination.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Dortch, Hill, Hodges, Martin, Miree, Moore of P., Morgan of A., Morrison, Skipper and Woodward.

Those who voted for Mr. *Bell*, are Messrs. English, Hubbard, Kennedy of L., Rice, Robinson and Tate.

Those who voted for Mr. *Sparks*, are Messrs. Barclay, and Bothwell.

Those who voted for Mr. *Hickey*, are Messrs. Clay, Cooper, Fletcher, Fowler, Griffin, Hendrix, Whorton and Moore of M.

Those who voted for Mr. *McKnight*, are Messrs. Bishop, Gresham, Henderson, McLemore, Morgan of C., and Murphey.

Those who voted for Mr. *Marshal*, are Messrs. Jones of G., Pickett and Witherspoon.

Those who voted for Mr. *Wildbahn*, are Messrs. Dunn, Findley, Jackson, Lankford, McClung, McCoy, Mundy, Robinson, Scott, Smith of P., and Williams of J.

Those who voted for Mr. *Moore*, are Messrs. Kennedy of M., Marchbanks and Morris.

Those who voted for Mr. *Freeman*, are Messrs. Cain, and Walker.

Those who voted for Mr. *Caruthers*, are Messrs. Banks, Dear, Harrison, Harris, Jones of C., Meriwether, Mitchell, Oliver, Porter, Roby, Smith of P., and Ware.

Those who voted for Mr. *Gleason*, are Messrs. Barron, Douglass, Dubose, Erwin, Gasque, Henley, Pettit, Turner, and Winston of S.

Those who voted for Mr. *McMillion*, are Messrs. Calhoun, Campbell, Earle, Gamble, Gardner, Garland, Jones of Cov., McMillion, Norman, Pynes, Watts, Williams of P., and Winston of DeK.

Those who voted for Mr. *Bucker*, are Messrs. Kendrick.

Neither having received a majority of the whole number of votes given, the House proceeded to vote a second time—the name of Mr. *Marshal* having been withdrawn.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Hill, Hodges, Kendrick, Martin, Miree, Moore of P., Morgan of A., Morrison, Skipper and Woodward.

Those who voted for Mr. *Bell*, are Messrs. English, Gresham, Hubbard, Rice, Richeson, Tate and Valliant.

Those who voted for Mr. *Sparks*, are Messrs. Barclay, Bishop, Bothwell, and Pettit.

Those who voted for Mr. *Hickey*, are Messrs. Clay, Fletcher, Fowler, Garland, Griffin, Hendrick, Whorton and Moore of M.

Those who voted for Mr. *McKnight*, are Messrs. Hudson, McLe-more, Morgan of C., and Murphey.

Those who voted for Mr. *Wildbahn*, are Messrs. Cooper, Cunningham, Dunn, Findley, Jones of G., Lankford, McClung, McCoy, Mundy, Oliver, Robinson, Scott, Smith, of P., and Williams of J.

Those who voted for Mr. *Moore*, are Messrs. Kennedy of M., Marchbanks and Morris.

Those who voted for Mr. *Freeman*, are Messrs. Cain and Walker.

Those who voted for Mr. *Caruthers*, are Messrs. Banks, Dear, Harrison, Jackson, Jones of C., Meriwether, Mitchell, Norris, Pickett, Porter, Roby, Smith of P., Ware and Witherspoon.

Those who voted for Mr. *Gleason*, are Messrs. Barron, Douglass, Dubose, Erwin, Gasque, Henley, Kennedy of L., Turner, and Winston of S.

Those who voted for Mr. *McMillion*, are Messrs. Speaker, Calhoun, Campbell, Earle, Gamble, Gardner, Jones of Cov., McMillion, Norman, Pynes, Watts, Williams of P., and Winston of DeK.

Those who voted for Mr. *Bucker*, are Messrs. Crowder, Harris, Kidd, and Storrs.

Neither having received a majority of the whole number of votes given, the House proceeded to vote a third time.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Dortch, Hill, Kendrick, Martin, Miree, Moore of P., Morgan of A., Morrison, Skpper and Woodward.

Those who voted for Mr. *Bell*, are Messrs. English, Hubbard, Rice and Tate.

Those who voted for Mr. *Sparks*, are Messrs. Barclay, Bishop and Bothwell.

Those who voted for Mr. *Hickey*, are Messrs. Clay, Cooper, Fletcher, Fowler, Gresham, Griffin, Hendrix, Whorton, Moore of M., and Richeson.

Those who voted for Mr. *McKnight*, are Messrs. Henderson, McLe-more and Murphey.

Those who voted for Mr. *Wildbahn*, are Messrs. Crowder, Cunningham, Dunn, Findley, Gardner, Garland, Jones of G., Lankford, McClung, McCoy, Morgan of C., Mundy, Oliver, Robinson, Scott, Smith of P., Storrs and Williams of J.

Those who voted for Mr. *Moore*, are Messrs. Kennedy of M. Marchbanks and Morris.

Those who voted for Mr. *Freeman*, are Messrs. Cain, Valliant and Walker.

Those who voted for Mr. *Caruthers*, are Messrs. Banks, Dear, Harris, Harrison, Henley, Hodges, Jones of C., Meriwether, Mitchell, Norris, Pickett, Porter, Roby, Smith of P., Ware, Williams of J., and Witherspoon.

Those who voted for Mr. *Gleason*, are Messrs. Barron, Douglass, Dubose, Erwin, Gasque, Kennedy of L., Pettit, Turner, and Winston of Sumter.

Those who voted for Mr. *McMillion*, are, Messrs. Speaker, Calhoun, Campbell, Earle, Gamble, Jackson, McMillion, Norman, Pynes, Watts, and Winston of DeK.

Mr. Kidd voted for Mr. *Bucker*.

Neither having received a majority of the whole number of votes given, the House proceeded to vote a fourth time—the names of Messrs. *McKnight*, *Moore*, and *Bucker*, having been withdrawn.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Bothwell, Hill, Kendrick, Martin, Miree, Moore of P., Morgan of A., Morrison, Skipper, and Valliant.

Those who voted for Mr. *Bell*, are Messrs. English, Hubbard, Rice and Tate.

Those who voted for Mr. *Sparks*, are Messrs. Barclay and Bishop.

Those who voted for Mr. *Hickey*, are Messrs. Cooper, Fletcher, Fowler, Gresham, Griffin, Hendrix, Whorton and Moore of M.

Those who voted for Mr. *Wildbahn*, are Messrs. Clay, Crowder, Cunningham, Dunn, Findley, Gardner, Garland, Jones of G., Lankford, McClung, McCoy, Morgan of C., Mundy, Murphey, Oliver, Richeson, Robinson, Scott, Smith of P., Storrs, Williams of J., and Winston of DeKalb.

Those who voted for Mr. *Freeman*, are Messrs. Cain, Kennedy of M., Marchbanks, Morris and Walker.

Those who voted for Mr. *Caruthers*, are Messrs. Banks, Dear, Harris, Harrison, Henderson, Henley, Hodges, Jones of C., Jones of Cov., Meriwether, Mitchell, Norris, Pickett, Porter, Roby, Smith of P., Ware, Williams of P., Witherspoon and Woodward.

Those who voted for Mr. *Gleason*, are Messrs. Barron, Douglass, Dubose, Erwin, Gasque, Kennedy of L., Kidd, Turner, and Winston of Sumter.

Those who voted for Mr. *McMillion*, are Messrs. Speaker, Calhoun, Campbell, Earle, Gamble, Jackson, McMillion, Norman, Pettit, Pynes, and Watts.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a fifth time.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Dortch, Hill, Kennedy of L., Martin, Miree, Moore of P., Morrison and Skipper.

Those who voted for Mr. *Bell*, are Messrs. Douglass, English, Hubbard, Rice and Tate.

Those who voted for Mr. *Sparks*, are Messrs. Barclay, Bishop, Gresham and McLemore.

Those who voted for Mr. *Hickey*, are Messrs. Fletcher, Fowler, Griffin, Hendrix, and Whorton.

Those who voted for Mr. *Wildbahn*, are Messrs. Bothwell, Clay, Cooper, Crowder, Cunningham, Dubose, Dunklin, Findley, Gardner, Garland, Gasque, Jackson, Jones of Cov., Jones of G., Kennedy of M., Kidd, Lankford, McClung, McCoy, Moore of M., Morgan of C., Morris, Mundy, Murphey, Oliver, Pettit, Richeson, Robinson, Scott, Smith of P., Storrs, Turner, Williams of J., and Winston of DeK.



Those who voted for Mr. *Caruthers*, are Messrs. Banks, Campbell, Dear, Erwin, Harris, Harrison, Henderson, Henley, Hodges, Jones of C., Kendrick, Meriwether, Mitchell, Morgan of A., Norris, Pickett, Porter, Roby, Smith of T., Vailiant, Ware, Williams of P., Winston of S., Witherspoon and Woodward.

Those who voted for Mr. *McMillion*, are Messrs. Speaker, Barron, Calhoun, Earle, Gamble, McMillion, Norman, Pynes and Watts.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a sixth time—the names of Messrs. *Sparks*, *Hickey* and *McMillion*, having been withdrawn.

Those who voted for Mr. *Davis*, are Messrs. Abernathy, Dortch, Hill, and Miree.

Those who voted for Mr. *Bell*, are Messrs. Douglass, English, Rice and Tate.

Those who voted for Mr. *Wildbahn*, are Messrs. Barclay, Bishop, Bothwell, Clay, Cooper, Crowder, Cunningham, Dubose, Dunn, Findley, Fletcher, Fowler, Gardner, Garland, Gasque, Gresham, Griffin, Hendrix, Whorton, Hubbard, Jackson, Jones of Cov., Jones of G., Kennedy of L., Kennedy of M., Kidd, Lankford, Martin, McClung, McLemore, Moore of M., Morgan of C., Morris, Mundy, Murphey, Norman, Oliver, Pettit, Pickett, Richeson, Scott, Smith of P., Storrs, Turner, Vailiant, Watts, Williams of J., and Winston of DeK.

Those who voted for Mr. *Freeman*, are Messrs. Cain, Marchbanks and Walker.

Those who voted for Mr. *Caruthers*, are Messrs. Speaker, Banks, Barron, Calhoun, Campbell, Dear, Erwin, Gamble, Harris, Harrison, Henderson, Henley, Hodges, Jones of C., Hendrick, McMillion, Meriwether, Moore of P., Morgan of A., Morrison, Norris, Porter, Pynes, Roby, Smith of T., Ware, Williams of P., Winston of S., Witherspoon and Woodward.

Mr. *Wildbahn* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Messenger during the present session; he was qualified and entered upon the duties of his office.

On motion of Mr. McClung,

*Resolved*, That a committee of five be appointed to report to this House rules for its government, and that the rules adopted at the commencement of the last session, be in force until otherwise ordered.

Whereupon, Messrs. McClung, Calhoun, Bridges, McLemore and Pettit, were appointed said committee.

Mr. Kennedy of L., offered the following, to wit:

Whereas, the public mind has been, and still is deeply agitated as to the probable action of this body, in regard to the State Bank and its several Branches; and whereas, that action will be controlled in a great measure, by the standing committee on the State Bank Branches and other Bank committees; and whereas, many persons have attributed the hitherto unfortunate and unsuccessful legislation of previous sessions, to the fact, that the major portion of the members of the Bank committees have been largely indebted to these institutions—Therefore,

*Be it Resolved*, That each member of this House shall, by nine o'clock, A. M., of to-morrow, furnish the Clerk of the House with an aggregate statement, as nearly correct as possible of his liabilities, both as principal and endorser, either to the State Bank, or any of its Branches.

*Be it further Resolved*, That the Clerk of this House shall make out a list of the members with the aggregate liabilities of each, placed in opposition to his name, and hand it to the Speaker of the House, by five o'clock, P. M., of the same day.

*And be it further Resolved*, That the Speaker is hereby requested to select out of such list, persons who are not indebted to any of the above named banks, as members of the committee on the State Bank and Branches.

On motion of Mr. Campbell, the House then adjourned until to-morrow morning, ten o'clock.

TUESDAY, December 6, 1842.

The House met pursuant to adjournment.

Mr. Harrison announced the arrival of his colleague, James W. Dunklin, a member of the House of Representatives from the county of Lowndes, who appeared in the hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House, the report of John Martin, President of the Branch of the Bank of the State of Alabama, at Montgomery; which was laid on the table, and three hundred copies ordered to be printed.

Mr. Speaker laid before the House, the annual report of the Cashier of the Branch of the Bank of the State of Alabama, at Montgomery; which was laid on the table, and three hundred copies ordered to be printed.

On motion of Mr. Pettit,

*Resolved*, That the Senate be informed that the House of Representatives is now organized by the election of the Hon. John Erwin, of Greene, Speaker; Joseph Phelan, Principal Clerk; A. B. Clitherall, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; James H. Owen, Door-keeper; and Isaac Wildbahn, Messenger, and are now ready to proceed to business.

Mr. Speaker laid before the House, a statement of the liabilities of the members of the Legislature, to the Branch Bank at Montgomery, and the liabilities of the President and Directors of said Branch Bank; which was read and ordered to be laid on the table.

Mr. Speaker laid before the House the reports of the first and second Discount Clerks of the Branch of the Bank at Montgomery; which were read and laid upon the table.

Mr. Calhoun offered the following resolutions, to wit:

*Resolved*, That a committee of three, on the part of the House, be appointed to act with such committee as may be appointed on the part of the Senate, to wait on the Governor and inform him that the two houses are now organized and ready to receive from him any communications he may have to make to the two Houses.

Which was adopted; and Messrs Calhoun, Tate, and Woodward, were appointed said committee.

Mr. Moore of Madison, offered the following resolution :

*Resolved*, That all the reports of the Commissioners appointed by the Governor to examine the State Bank and its various Branches, and the reports of the Presidents of those Banks be laid on the table, and five hundred copies printed for the use of the House.

Mr. Hubbard moved to strike out the word "five," where it occurs in the resolution and insert "three;" which was lost.

The resolution was then adopted.

A message was received from the Senate, by Mr. Scales, their Assistant Secretary—

Mr. Speaker—The Senate has adopted the following resolution :

*Resolved*, That a committee of three be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and inform him of the organization of the two Houses, and ascertain when it will suit his convenience to make his annual communication.—Messrs. Hudson, McVay, and Walthall, were appointed said Committee.

Ordered that the message lie on the table.

Mr. Calhoun made the following report:

The joint committee, who were appointed to wait on the Governor, and inform him of the organization of the two Houses, have performed that duty, and are instructed by his Excellency to inform the two Houses that he will communicate in writing, his annual message to them at half past eleven o'clock, this day.

Ordered that the report lie on the table.

Mr. Speaker laid before the House the report of the Commissioners appointed to examine the Branch Bank at Decatur; which was laid on the table.

Mr. Speaker also laid before the House the annual report of the Comptroller of the State of Alabama on the Contingent Fund; which was read and laid upon the table, and two hundred copies ordered to be printed.

Mr. Pettit presented the petition of John Curry, and other citizens of Barbour county, for the relief of John N. Martin; which was read and referred to a select committee, composed of the delegation from Barbour.

Mr. Pettit presented the petition of Seth Maby and other citizens of Barbour county, which was read and ordered to lie on the table.

Mr. Pettit also presented the petition of Needham Bryan and other citizens of Barbour county; which was read and ordered to lie on the table.

Mr. Griffin offered joint resolutions in relation to the state of certain public lands lying within the limits of Alabama; which was read and referred to a select committee, composed of the delegation from the counties of Marshall, De Kalb, Cherokee, Jackson and Benton.

On motion of Mr. Cochran,

*Resolved*, That one reporter for each newspaper, in this State, be allowed to have his seat within the bar of the House.

A Message from the Governor by Col. Garrett, Secretary of State, transmitting his annual communication to the General Assembly ; which communication is as follows :

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, December 5, 1842. }

*Gentlemen of the Senate, and House of Representatives:*

In meeting you as the representatives of the people, assembled to enact laws for the general good, I tender you my warm congratulations ; and indulge the hope, that the result of our labors will not fall short of the confiding expectations, of those who have committed to us, so high and responsible a trust.

Being so recent from your constituents, I deem it scarcely necessary to remind you, that at no period since the adoption of our Constitution, have the people turned their attention to the deliberations of the General Assembly, with more intense interest, than the occasion upon which you have now assembled. We have reached a crisis in the affairs of the State, which admonishes us, too plainly to be disregarded, that, upon the wisdom and action of your honorable bodies, depend the credit, and character of the State, and to a great extent, the happiness and prosperity of her citizens for years to come.

In the midst of the worldly cares and vicissitudes with which we are surrounded, we have abundant cause to offer up our gratitude to Him, who controls the destiny of nations and men, for the manifold blessings which He has so profusely lavished upon this free and favored country. With the exception of a few portions of the State, our people have enjoyed the inestimable blessings of health, and under the smiles of a beneficent Providence, the labors of the husbandman have been crowned with a rich abundance of the fruits of the earth.

The cotton crop, the great staple of our State, though not so good as was anticipated early in the season, promises a fair average result. To that valuable staple, to industrious pursuits, and to a rigid economy, the great body of our people may look with perfect confidence, for a permanent increase of wealth, and a gradual return to their wonted prosperity. Containing, as Alabama does, a fertile soil, a wealthy and enterprising population, she is destined, at no distant day, to assume, if not the front rank, at least to be one of the number of the great producing States of the Union ; and with her ample resources, present the pleasing and proud condition, of her population disenthralled from that load of debt and pecuniary embarrassment, into which they had been plunged by the unprecedented bank expansions and contractions, so common in our country a few years since—and which swept in one general current, the means and fortunes of a large portion, of nearly every grade of society, of the American people.

By an act of the last Legislature, it was made my duty to appoint a suitable person to digest all the statute laws, of a public and general nature, now in force in the State. The Hon. Clement C. Clay, of Huntsville, was selected by me to perform that duty. The same act provided also, that three persons should be elected by a joint vote of the two Houses of the *last General Assembly*, who should examine and inspect

the work, with power to decide on the correctness with which the Digest had performed his duty. Those inspectors or commissioners, the last Legislature omitted to appoint. Learning that the work would be completed, and ready for inspection in September last, and being assured of the great necessity of having it in as forward a state as practicable, for the action of your honorable bodies, I deemed it proper to appoint the three persons contemplated in the act, to examine and inspect the same. Samuel Peete, A. B. Meek, and Edwin R. Wallace, Esqrs. were the gentlemen selected by me to perform that service. I understand they have discharged that duty, and will report the result of their labors, within the time prescribed by the act. No provision, however, is made for the printing and publishing the Digest thus prepared. It will, therefore, become the duty of the Legislature to make suitable provisions for that object, and also to fix the amount of compensation the Digest shall be allowed.

By a resolution adopted at the last session of the General Assembly, the Governor of this State was required to obtain from the Governor of Mississippi, an authenticated copy of the Register of civil officers for the counties in Alabama, while said counties formed part of the Mississippi Territory; and also the original bonds, or certified copies, given by said officers, up to the period at which said counties became part of this State. After repeated efforts to effect the object of the resolution by letter, without success, and failing to get any information on the subject through that channel, I deemed it proper to send a special agent for that purpose. Col. William Garrett, the present efficient Secretary of State, was the agent selected. He accordingly proceeded to the Seat of Government, in the State of Mississippi, and was informed by the authorities of the State, that all the documents specified in the resolution, had, some few years since, been destroyed by fire.

I availed the State of the services of James E. Belser, Esq., as the agent, which the last Legislature, by resolution, required me to appoint, to proceed to the City of Washington, and urge upon the Federal Government, the payment of the money heretofore made by the State, upon claims growing out of the late Creek Indian hostilities. Mr. Belser has performed that duty with his usual promptness; but from the fact that our troops were never mustered into the service of the United States, he was entirely unable, under the then existing law, to effect the object of his mission with the War Department. He, however, had the subject brought before Congress; and by the united energy of our delegation, procured the passage of an act authorizing the War Department to settle the claims of the State, as though our troops had been received into the service of the United States. All of which Mr. Belser will make known to you, during the present session, in the report, which the resolution, authorizing his appointment, requires him to make. The agent was informed by the authorities at Washington, that an adjustment of the claims could not take place, until some time after the adjournment of Congress. He has, or will at an early day, return to the seat of the Federal Government, for the purpose of resuming his duties, and completing the settlement. The act provides,

that duly authenticated copies of papers, which may have been lost or destroyed, upon due proof of such loss or destruction, shall be received as evidence of the amount heretofore allowed and paid by the State. All the papers which I considered important, as connected with the claims due the State, have been placed in the possession of the agent; but I much fear that a large portion of the originals have been lost, or destroyed. To supply their places with duly authenticated copies, in many instances, will be very difficult; and to bring the settlement to a favorable termination on the part of the State, will be a work of no inconsiderable labor to the agent, as well as expense. It cannot be doubted, that the large amount advanced by the State, should be promptly refunded—but to present the claims in the authenticated form required by the United States Government, will require much time, labor and ability. The thousand dollars allowed the agent, by the resolution, will no doubt, before the termination of the mission, be consumed by the item of expense alone. For services thus valuable to the State, I recommend to the Legislature, to allow him a fair and just compensation. The resolution authorizing the agency, empowers the agent to receive and receipt for the amount allowed. Whether the sum which may be found to be due, is to be received by him, or what other disposition is to be made of it, when received, is for your honorable bodies to determine.

The condition of our State Banks, is of such paramount importance, not only to the financial credit of the State, but to the prosperity of all its citizens, that they must necessarily engross the largest portion of your attention, during the present session.

The revulsions which have within the last few years overtaken the whole Banking system, prostrating in its wreck and consequences, the credit and character of States, in common with the fortunes and hopes of a large portion of the people, have caused the minds of many, seriously to question the whole policy of banking. Whether the system, as heretofore conducted, is at any period, especially during the existence of the present generation, to be revived, and to enter so fully into the much abused confidence of the community, or to perish beneath the weight of its own imperfections, will be determined by the unerring test of time alone. Certain it is, that no banks, in whatever form they may hereafter exist, for a series of years at least, can be made to receive that unqualified favor and confidence, heretofore possessed, without the faithful and honest discharge of those functions, for which they were originally designed.

The salutary lesson of experience, so impressively taught us for the last few years, has admonished all, of the utter fallacy and delusion of looking to bank accommodations for relief, and exemption from pecuniary embarrassment. Steady industry, economy, and frugality, are the only sure guaranties for that permanent and lasting relief so anxiously desired by all, without the constant observance of which, states need not expect any thing like permanent prosperity, or individuals hope for that solid wealth which they all so devoutly desire.

Except the information contained in the annual reports of the commissioners to the last General Assembly, I have no accurate information of the actual condition of the banks.

I selected the commissioners for the present year, at a period sufficiently early to enable them to enter upon the discharge of their duties as soon as existing laws would allow. I also availed myself of the occasion of their appointment, to impress upon the several boards the great necessity of performing those duties at the earliest day practicable, and reporting the result of their labors to your honorable bodies at the commencement of the session. Knowing that full and accurate information would be essential to enable the General Assembly fully to understand the true condition of the banks, and to determine as to their future action, I deemed it proper, in the shape of interrogatories, to direct the attention of each board to many matters not usually regarded as falling within the scope of their examination. The information thus sought I consider important, and have therefore requested the commissioners to make their answers part of their report.

During a large portion of the present year, the paper of our State banks has labored under great depression, causing considerable embarrassment in all commercial and pecuniary transactions. The difference between specie and the actual value of our paper, has been alarmingly great, and falling heavily on those who have been compelled to submit to it. I therefore most earnestly invite your early and serious consideration to the condition of our banks. According to the modern views of banking, if we except one branch, the others may be said to have, for ordinary times, a reasonable proportion of specie and specie funds to their paper in circulation. The Mobile branch, the one excepted, cannot be so regarded. Her inordinate circulation in proportion to her specie, and her heretofore regularly accumulating, and now vast amount of suspended debt, taken in connexion with her whole policy for a series of years, lead me to the irresistible conclusion, that she should cease the functions of banking. I recommend, therefore, that that branch be put into an immediate state of liquidation, under such regulations as the wisdom of your honorable bodies may think best.

The non-specie paying condition in which all our banks have remained for a length of time, has been a heavy tax, both upon the patience and purse of our citizens, and has been submitted to with a degree of fortitude highly commendable. All banks, seeking the confidence of the people, should act in such a manner as to merit it.

A convertible circulation is what the community want, and have a right to expect, especially from those institutions which *assume the money making and money regulating power* of the country. Specie payment is essential to give credit to banks, and currency to their bills; and when they cease to perform these honest duties, they become a scourge to the country.

The reports of the several boards of commissioners will, it is hoped, disclose to you the actual condition of all the banks. That information will enable you better to determine the course to be pursued with the mother bank and the other three branches.

In an honest and faithful discharge of their duties, banks realize the legitimate end for which they were created, and promote, to some extent, the convenience of the people; but a failure in those particulars

produces different results and ruinous consequences. A specie basis should be the true test of all banks, and a fixed period for resumption on their part, is most anxiously desired, and is due alike to the State, the banks, and the people. The time for resumption can better be determined upon by the General Assembly, than this Department. I therefore recommend that, having in view a proper regard for their condition, and allowing a reasonable time to prepare for that event, the mother bank and the other three branches be required to resume specie payments at the earliest day, which, in your wisdom, you may deem practicable.

Whether the banks in resuming should be required to redeem all their issues at first, or commence with their small bills, and at short stated periods to include the next denomination, until the entire circulation is embraced, is for the wisdom of your honorable bodies to determine. Such of the banks as are able and capable of performing the useful objects of their creation, should, in their efforts to attain this result, be sustained and fostered by the Legislature; but those which are unable, or shall fail to resume specie payments at the time appointed, should be required to go into a state of liquidation.

I am clear in the conviction, that there is more banking capital in the State than is needed, or can be profitably employed. I submit therefore to the General Assembly, the propriety of greatly reducing the capital of all our State institutions, and applying the amount thus withdrawn to the purchase of our State bonds, under such regulations as may be prescribed. I also invite your attention to a full and thorough investigation of the annual expenses of all the banks, with a belief that the system, as now conducted, is susceptible of considerable retrenchment in many of its departments, resulting in no inconsiderable saving to the banks, without any corresponding injury or inconvenience to the community.

One of the great objects of our State bank system, was to relieve the people from taxation by the profits arising therefrom, and to provide a fund to improve and develop the internal resources of the State. The system viewed in that light, is beautiful in theory; but, in these particulars, has sadly disappointed its votaries in practice. Whether objects so desirable are hereafter to be attained, or the community are to experience results entirely opposite, and the people themselves to become tax payers to maintain the credit and character of the State, is a question to be determined by the future.

A few years since, the Legislature, believing that one of the above objects had been accomplished, released the people from taxes, and drew the entire state revenue from the banks. From that time to the present, they have paid the whole expenses of the State government. From that drain, all who are the least conversant with their condition, will admit they should be released. I have no hesitation in saying to the General Assembly, that the tax for the support of the State government should be renewed, and the banks relieved from its payment. The people are intelligent, honest and patriotic, and need only to be properly informed of the condition and greatly exhausted means of the



banks, to be convinced that the tax should come from them for the support of the government, and not from those institutions. Taxes in some form, either direct or indirect, must necessarily be exacted from the people in all civilized countries; and when not levied beyond the requirements of a proper economy, may be considered as justly due by the citizen, for the blessing of a well organized and faithfully administered government. And although the annual direct requirement of each individual for a sufficient quota of revenue, may be considered a necessary burthen, it is not entirely destitute in other respects, of some benefit. The operation of no law is better calculated to awaken so general and just a scrutiny into the acts of public agents, or more potent in requiring a cautious use and judicious application of the public money.

Entertaining the belief, that the banks could no longer in justice to themselves contribute the amount necessary to defray the expenses of the State government, and that the means for that purpose would, as a matter of necessity, have to be raised by taxation, I conceived it important that the General Assembly should have something like accurate information of the amount of taxable property in the State, as data more satisfactory, by which taxes should be apportioned. I accordingly addressed a circular to the judges of the county courts or county treasurers of the several counties in this State, with a view of obtaining full information of the amount of taxable property in each county; the amount of taxes that will likely be collected for the ensuing year for the support of the several counties; and the manner in which each county provides for the support of the poor. All of which information I regarded as important, and, I presumed, would be acceptable to your honorable bodies. It is to be regretted, that I have as yet received no answers from many of the counties to the questions propounded; and several of those furnished, are not so full and satisfactory as was desired. I consider, however, the information thus obtained important, and herewith submit it to the General Assembly.

The two hundred thousand dollars, taken from the banks and given to valueless sixteenth sections in aid of schools, is a donation certainly laudable in its object, and was prompted no doubt by that enlarged philanthropy characteristic of the age in which we live. In a government like ours, based upon the affections, and controlled by the voice of the people, education cannot be too much promoted, or knowledge too generally and extensively diffused. Impressed as I am with the deliberate conviction of these truths, I shall readily avail myself of any appropriate occasion to afford all the aid in my power to promote objects so desirable and essential, as I believe, to perpetuate the existence of our free and happy form of government. No class of the community are more legitimately entitled to aid than those for whose benefit the amount heretofore bestowed was intended, and none, perhaps, have received less favor from the banks; and if the vast amount of bad and doubtful debts now due and owing them could be realized, and the banks placed in a condition to afford the amount heretofore allowed, none would more cheerfully yield it than myself; but such a hope would be utterly delusive. If I could for a moment believe, that the sum thus given

could, with any degree of safety to the banks, be by them spared, I would be among the last to withhold the amount heretofore appropriated. The ability of the banks to contribute that amount, in justice to themselves, is a question about which none, I presume, at this time, can for a moment entertain a doubt. I avow the opinion, with entire confidence of its correctness, that the Legislature ought to relieve the banks from the payment of the two hundred thousand dollars, as well as every other expense, except the ordinary charges incident to their operation. I recommend, therefore, that the act requiring the banks to pay that sum, as well as every other act withdrawing any of their means, except for their own support, be repealed.

The bills of the branch bank at Mobile, now, and for some time past, have formed a very large portion of the circulation of the State, and should the General Assembly put that institution into a state of liquidation, the manner in which her circulation should be redeemed, is a question of vast importance to the people. To turn the holders of that money to the branch in Mobile, to wait the tardy redemption of the present very large amount in the hands of the community, might injuriously affect the interest of all those who hold it, and to some extent, be regarded, as a departure from the plighted faith of the State, which certainly is as solemnly pledged to the bill, as bond holders. Under existing laws, the bills of the Mobile branch, so far as the payment of debts due the other banks are concerned, stand upon the same footing, and answer all the purposes for that object, as fully as the bills, of either of the other banks; and to that circumstance may mainly be attributed the fact of the bills of that bank, being received at par, or nearly so with those of the other banks. The great disfavor in which the Mobile branch, has been regarded for some time past, together with an apprehension, that she would go into liquidation, without any adequate provision being made to withdraw her circulation, independent of her own, it is feared, limited resources, has had to some extent, the effect already of depressing the bills. That branch is part and parcel of the same system, brought into existence by the authority of the State, with her solemnly pledged faith, that the bills should be faithfully redeemed, and under that guarantee, her citizens have been induced to take them. That pledge should be rigidly redeemed, and is as sacredly due, alike to the bill as bond holders; and should be kept untarnished, and faithfully observed to both. There is a vast debt due the banks, and they belong to the State; and in collecting her debts, due in either of the banks, the bills issued by either should be received in payment of all, as one means of protecting those who have confided in her, and become her creditors. The mere fact, that from causes beyond the control of the State, one of her branches has pursued a policy destructive to the credit and interest of the bank, can afford no pretext whatever, which can justify the State, by any code of morals, in failing to provide all the means in her power to protect those who have become creditors of one of the branches, from all possible loss or injury. I submit to the Legislature therefore, the propriety of adopting suitable provisions, requiring all the other State banks to receive in payment for debts due them, the bills of the Mobile branch, in the event that that bank should

be put into liquidation; or to make some other provision of a similar character, which the wisdom of your honorable bodies may conceive better calculated to prevent the bills of that branch from depreciating in the hands of the community.

Our banks as now constructed, are susceptible, as I conceive, of great change for the better, in many of the existing laws under which they are now managed and controlled. The plan adopted of selecting bank directors, however plausible in theory, is conceded by all to have worked badly in practice. That to the management and conduct of the directors, may be justly attributed a large portion of the losses and disasters, which have more or less befallen all the banks, few at this day, I presume, entertain much doubt. To consummate some plan which would be a more ample guarantee of agents, more competent and faithful, has engaged the reflection of many, whose opinions are entitled to great respect, as well as repeatedly, on previous occasions, the patient investigation of former Legislatures. The operations of the banks from the time of their creation, and the heavy losses that have already, and are still destined to await them, are practical commentaries which have impressed a settled conviction on the minds of many, that a radical defect exists some where in the system. I have long thought that the present plan of electing directors by the Legislature, is the starting point of much of the evil and derangement which have pervaded the banks. In selecting these agents, all the members, except a few from the immediate vicinity of the banks, where the board is to be elected, must necessarily, and most generally choose between men about whom they know nothing, except in some instances, a passing acquaintance with those who are to be found in attendance upon the session, in the capacity of candidates for bank directors. Many honorable exceptions exist, and should be made, to that character of candidates; but judging no inconsiderable portion by the fruits of their labors, the prostrate condition, and squandered means of the banks, there are few at this time who would hesitate to admit, that the banks have failed to prosper under their auspices. Both justice and frankness to those who have managed one or two of the banks, require me to say, that they are not intended to be embraced in these remarks. The reports heretofore, have shown a marked difference in the prudence and caution with which the several banks have been governed and controlled.

That class of men whose reputation and qualifications would be a sure pledge for the able and faithful management of the banks, most usually, will not consent to enter the canvass as candidates for directors. In most cases, they are unknown to a very large majority of the members, or if known, are rarely ever thought of for that station, from a belief that they would not serve if elected—a presumption created from the circumstance, that they are not candidates for the office. The Legislature under such circumstances, is most generally, therefore, driven to the necessity of choosing from the list of candidates only. Out of the one hundred and thirty three Senators and Representatives, who, under the present mode, have to elect directors for the different banks, but a very small portion of that number have any thing like the requisite knowledge or information of the qualifications of the aspirants, or those elected in the several

boards; reducing thereby, for the want of correct information, the present plan of selecting these agents, so far as fitness for the station is concerned, to a mere system of chance, in which both the State and the banks, have often heretofore been the losers.

If it were at all practicable for the members of the General Assembly, to have any thing like an intimate personal acquaintance with the people in the vicinity of the several banks, from which directors have to be taken, and from their own knowledge could judge of their qualifications and fitness, the objections to the present mode, would of course, be destitute of force. But scattered, as our banks are, and coming as the Representatives of the people do, from every county in the State, the requisite information to vote understandingly for those officers, is entirely out of the question—and consequently, for the want of such information, a great majority of the members voting for the different boards, are absolved from any thing like a just responsibility. The present system of selecting directors is co-existent with the banks, and with some slight modification, as to numbers, has been in practical operation since their creation; with what effect their impaired credit and crippled condition can best answer.

No legislation is more sensibly felt, or of a more delicate character, than that connected with the monetary affairs of a State; none certainly embracing interests more general, or including in its effect, so large a portion of every grade of society; and no public functionaries should be selected with more extreme caution and prudence, than those agents into whose hands are committed, the control and government of the monied institutions of the country. The present mode of choosing them has been subjected to the rigid scrutiny of time and practice, the surest test of all theories, and with great deference for the opinions of others, I avow the conviction with entire confidence, that in the plan, as at present pursued, of electing directors, lurks one of the greatest defects of the present banking system.

If the General Assembly cannot create an appointing power approximating, to greater certainty, as to competent agents, than the present, judging the future by the past, the risk, I think, is not great, in predicting that the period is not far distant, when the exhausted means of the banks will require but little of the guardianship of the Legislature. Perhaps no subject connected with these institutions, is fraught with consequences more serious to the State, and certainly no one of recent date has engrossed so large a portion of the public mind. It is for the wisdom of your honorable bodies to apply the remedy.

The amount of interest which will be due on the State bonds for the ensuing year, and the periods when it is to be paid, will, it is presumed, be fully made known to you, by the reports of the commissioners appointed to examine the several banks. I most respectfully invite your attention to the subject, and recommend that suitable and permanent provisions be made for its payment upon a sure basis, and beyond all possible contingency. It should be a source of proud exultation, reflecting credit upon the State, that in every crisis through which she has passed in common with the whole country, and in every vicissitude in which she has

been placed, Alabama has, with rigid punctuality, met all her engagements, and maintained, as she ever will, unsullied, her plighted faith.

Within the last few weeks the Planters' & Merchants' Bank of Mobile, has suspended specie payments, and refused also, to pay her depositors the amount due them. Whether the course thus pursued by that bank, has been induced by considerations of policy, or was the result of necessity, matters but little to those who have been affected by her action. Much that I have said in reference to our State institutions with regard to a faithful performance of duty, can with justice be applied to this bank. As usual with banks, in a pressed condition, her paper shewing might be regarded as a good one for the ultimate payment of her liabilities. But experience, the best test of human action, has taught us to view with just distrust all such information. The whole history of bank failures is too fresh in the minds of an injured community, and the deceptive character of such statements has been too often demonstrated, to expect the confidence of the people, which has heretofore been so greatly abused. Time in its onward course, may prove that at some distant day, she may pay her liabilities. That may ultimately be the case; but still, great injustice and injury may, in the mean time, be perpetrated upon the rights and interests of those who had abundant cause to expect a different course of conduct on the part of the bank. The vast amount of immediate liabilities in proportion to her present available means, and the late course of the bank, can best answer how these expectations are likely to be realized. Frankness requires me to say, that the lessons of the past have taught me to confide reluctantly in all exhibits from banks, which so signally fail to discharge their engagements. Ultimate payment at some remote or distant period, is poor compensation to those who require the immediate use of their means. To the stockjobber and the shaver, the prospect is bright and cheering.

After the deep and absorbing interest manifested by the people in our State banks, induced mainly by their suspended condition, and after the intense anxiety evinced from every part of the State, to place them upon a sounder basis, it is much to be regretted, that one of the stock banks of the State should assume the attitude which the Planters' & Merchants' bank has recently done. Whether she is to run the usual race of suspended banks, or at an early day to return to a faithful discharge of duty, is for the wisdom of the General Assembly to determine. I have no information, as to her actual condition, except what is published in the journals of the day. Her true situation, I presume, will be made known to you by the commissioners appointed to make the annual examination. I recommend, however, that such a course be pursued towards her, as will enable her creditors to realize the amount due them, as soon as practicable; and that she be required to resume specie payments or go into liquidation, under such regulations as your wisdom may prescribe.

I have long been impressed with the belief, that salutary modifications could be effected in the practice and proceedings of our courts, which would result in a considerable saving of labor to the officers, as well as expense to the suitors. I would be unwilling to see an innovation made in

all our judicial proceedings; but in suits of the most usual and ordinary occurrence, and which constitute much the largest portion of the business of the courts, many of the long and unnecessary forms now used, could, with great propriety, as I conceive, be dispensed with. They serve more to swell the record and increase the expenses of litigation, than to subserve or facilitate the cause of justice. In suits of that character some plain and summary process could be devised, in which the facts in controversy could be set forth, with common legal precision; in which form justice could as well be dispensed as in the tedious and technical one now observed. Form has been almost entirely dispensed with in appeals; and in controversies of that character, important principles have frequently been involved, and often settled by the highest revising court of the State. In the action of ejectment, all the useless common law forms have also been dispensed with by statute, and titles to land are now tried in a very summary way.

I can see no reason why the suits alluded to, could not be disposed of by the judicial tribunals of the State, in the same simple and plain manner, especially when objects so desirable could be accomplished by it.

Economy in all public expenditures, cannot be too constantly observed, nor exactions on the people too rigidly scrutinized. The great depression and embarrassment which pervades almost every class and condition of society, should invite a most thorough examination into every source of a public character, through which the community is affected by pecuniary demands, with a view, as far as is compatible with the public interest, to their mitigation. There has been no period since our existence as a State, when the public burthens of the people should be more critically examined, than the times through which we are now passing. Objects so deserving their notice, I am sure will not fail to engage the attention of the General Assembly.

The amount of money taken by the Government from the people, is the best measure of liberty; and when the amount exceeds the requirements of a rigid economy, or a just reward for official labor, taxation becomes an engine in the hands of the Government for invading the individual right of property guarantied to the citizen by the very nature of our free institutions.

The amount paid to Jailers for the support of prisoners in the several counties throughout the State, forms no inconsiderable item in the aggregate of the annual expenses of the State Government. Whether those charges should be borne by the State, or the counties where the offences are committed, out of a fund to be set apart for that object, to be under the direction of the Judge of the County Court and Commissioners of Roads and Revenue, for the purpose of judging of their correctness and ordering their payment, is a question at least worthy of reflection.

Under existing laws, legislation on that subject is required at every session—for all demands of that character must be examined and their payment provided for by the General Assembly; and in some cases, the time consumed in making such a provision, costs the State greatly more than the amount claimed. If it be the settled policy of the State to pay these demands as heretofore, I conceive the better course would be, to appropriate

annually a sufficient amount for that purpose, and that some branch of the Government be required to pay those accounts, under such rules and limitations as the Legislature may prescribe.

Under the late apportionment, Alabama is entitled to seven representatives in Congress. It will therefore become the duty of the General Assembly, during the present session, to prescribe the mode and manner in which they shall be elected. For the entire period since the adoption of the Federal Constitution, the States have been left to the free and undisturbed exercise of that right, until the recent session of Congress. In that spirit which has for a series of years characterized the acts of Federal authority, in the exercise of undelegated power, the Congress of the United States, have assumed, for the first time in the history of our Government, to dictate to the States the manner in which members of that body shall be chosen. The fact that this right has been long conceded to the States, should have admonished Congress against any attempt at the exercise of such a power. The advocates of the law in question, claim it as a self supporting principle of the Federal Government. Should the States fail or refuse to provide for the election of members, it might then become a question, after such failure or refusal on the part of the States, if such a right would not accrue to Congress. But until such dereliction of duty on the part of the States, the power thus assumed, would not seem to be warranted, either by the spirit or letter of the constitution of the United States. If the right alluded to, abides in the Federal Government, and can be exercised by Congress unconditionally, as claimed by its supporters, then the representatives to Congress must be elected under such rules, and at such times and places, and by such agents of that Government, as Congress may direct; but that body is wholly destitute of power to command the State Legislatures to make laws for that or other objects. No such power has ever been delegated to the Federal Government, and I trust the States have not been humbled to such a condition of vassalage, as to yield a quiet obedience to such unauthorized encroachments upon their rights.

The act of Congress requiring members to be elected by Districts, finds favor in the eyes of many from the fact that they are opposed to the General Ticket, and in favor of the District system. Those who, from that cause, are the advocates of Congress exercising that right, should not forget, that to concede to that body the power in question, gives also the power to Congress to elect by General Ticket.

My views on both systems have been heretofore fully made known, and I deem it unnecessary here to repeat them. The people were required to indicate the mode they preferred, and a majority expressed a preference for the District system. The States of their own accord, and independent of the dictates of Federal power, have a perfect right to adopt either mode. In obedience therefore to the *declared wishes of a majority legally expressed*, and not in pursuance of the unauthorized mandate of Congress, I recommend to the General Assembly to District the State in the most compact and equitable mode practicable.

For a series of years previous to the late session of Congress, the country had been happily exempt from excitement on the subject of the tariff. With their usual patience and patriotism, our people had in the utmost good faith,

abided the memorable compromise of 1833, of that delicate question, under the fond but delusive hope, that those who had so long reaped such signal advantages from that adjustment, would, with like fidelity, adhere to it when the time should arrive that the South in turn should enjoy some benefit from that settlement. But such expectations have been created only to be disappointed; and stipulations, however solemn, seem no longer to be regarded, or binding, with the manufacturing interest, than they enjoy the sole and exclusive benefit arising from them.

After giving to the States, (unasked and against the wishes of many;) the proceeds arising from the sale of our vast public domain, entailing upon the country a national debt, and scattering its means with prodigal profusion, as a pretext for extraordinary exactions upon the people, the late tariff majority in Congress, have, under the popular guise of raising revenue and protecting home industry, again revived and brought into full play, the protective policy, with all its unjust and oppressive influences upon the staple growing States of the Union.

In the system of discriminating and prohibitory duties as adopted at the recent session of Congress, that body seems to have regarded the whole American industry as concentrated in the manufacturing establishments of the East and North, and the hemp factories of the West. The tillers of the soil, the basis upon which every other interest rests, and from whose industry and labor flow the wealth and prosperity of the nation, are to be sacrificed, and their hard earnings taken to build up manufacturing establishments by a system of legal exactions, but little short of agrarianism, either in form or principle.

The action of Congress on that subject, I trust, will receive, as it merits, the most unqualified condemnation of the General Assembly.

The State has received one hundred and ten copies of documents, "Legislative and Executive," of the Congress of the U. States in relation to the public lands, in five folio volumes, one copy of which is intended for each court of record in the State. It will become the duty of the Legislature to direct how they shall be distributed, and define what courts are entitled to a copy.

The University, which should justly be the pride of all, as the nursery of the genius and talents of our youth, is realizing the fond anticipations of the votaries of science and learning. The claims of that institution to favor and patronage, under the control and management of the present very able faculty—marked as the government of the college is, by distinguished zeal and ability—present themselves strongly to public confidence generally, and more especially to the citizens of the State, for whose benefit it was so liberally endowed. No institution should demand and receive a larger portion of the fostering care of both the people and their representatives; and under the auspices of such competent agents, I indulge the hope, that the period is at hand when the University of Alabama will occupy the first rank among the literary institutions of the country.

The university fund pays annually a considerable sum in the way of interest, on a debt due the bank. I recommend to the Legislature to adopt some measure which will ultimately result in extinguishing the



debt, and relieve that fund from the yearly drain to which it is now subjected.

One of the judges of the Supreme Court and the judges of the second, third, fourth, seventh and ninth judicial circuits, and the judge of the county court of Sumter county, were elected at the called session of the Legislature in the year 1837. Their commissions will expire, and these offices will become vacant, in the month of June next. Those vacancies could all be filled by the power vested in me by the constitution; but anxious at all times to avoid duties which can more appropriately be performed by another branch of the government, I have presented the subject to your notice, with a desire that the General Assembly will, at the present session, anticipate and provide for those vacancies.

Since the adjournment of the last Legislature, vacancies have occurred in the office of judge of the circuit court of the tenth judicial circuit, and the office of judge of the county court in the counties of Tuscaloosa, Butler, Marion, Wilcox and Mobile, and also the office of solicitor of the sixth judicial circuit, all of which have been filled in the mode prescribed in the constitution.

I have been notified by the honorable John P. Booth, judge of the sixth judicial circuit, that the office of judge of the county court for the county of Pike, has been vacated in consequence of the judge of that county failing to renew his bond on the application of his securities, as required by law. I have also received the resignation of the honorable S. Heydenfelt, resigning the office of judge of the county court of Tallapoosa county. These vacancies occurring so near the approach of the present session, I have deemed it proper to leave them to be permanently filled by the General Assembly.

Messrs. Phelan and Harris have been appointed State Printers in the place of Samuel F. Rice, esq., who resigned since the adjournment of the General Assembly.

The law regulating the salary of the adjutant and inspector general, is somewhat indefinite and vague, as to the amount of compensation that he shall be allowed. I recommend, that the General Assembly define more particularly the duties for which he is entitled to a *per diem* allowance, independent of the duties incident to that office, for which he should receive a fixed salary.

Robert Fenner and R. B. Jones, esquires, were appointed by my predecessor, in 1841, to make final settlement with the register and receiver, and all other officers connected with the land office at Courtland. They performed that duty, and made their report to the last General Assembly. The act under which they were appointed made no provision for their compensation, nor have they as yet received any. They are certainly entitled to payment for their services, and the Legislature should make suitable provision upon the subject.

As the law now exists, owners and masters are entitled to the full value of all slaves executed for capital offences. The law provides also, that a fund shall be specifically set apart for the payment of such claims. Several applications have been made, in the terms of the stat-

ute, for payment of these demands, and their payment declined, for the reason, that no fund had been provided, or appropriation made for that object. It will become the duty of the General Assembly to make suitable provision on this subject. As a general rule, it is certainly true, that a party who is thus deprived of his property by the force of law, is entitled to compensation for it; but I seriously doubt the policy of the law in question. Humanity alone, as the statute now stands, is the only inducement to the master to take that interest which is essential to insure his slave a fair and impartial trial when implicated. In a great majority of cases, it is presumed, that would be a sufficient prompting cause to enlist his zeal and energy for the purpose of bringing all the facts, and especially those which would be vitally important for the party accused, before the court and jury. Cases might occur, however, when these influences would not be sufficiently strong to induce that course on the part of the master, and a human being might be condemned and executed, to all appearance fairly, but in truth unjustly, from the circumstance, that no one took a sufficient interest to develop all the facts before the tribunal trying the slave. Unless the owner do so, the hope is a faint one generally, that others will or can. So far as pecuniary interest is concerned, the master may be said to be perfectly indifferent, for if his slave is condemned, he is entitled to his full value; and the history of such valuations demonstrates, that in that particular, the master's interest is rarely ever disregarded. To those feelings of humanity, which are now the only hope on the part of the slave, for such aid from his master as will insure him a fair trial, I would add the more powerful and awakening one of interest also, by allowing the owner one-half, instead of the whole value of such slave.

The penitentiary as established, and now in operation, promises to meet the just expectations of its most ardent friends. I made the annual visit as required by law to that prison, in the month of October last. The government, and whole internal police, are alike creditable to the State and officers who have the management and control of the institution; and I cannot but regard the radical change in the punishment of crimes and offences by the system now adopted, as a most salutary innovation upon our former criminal laws. The thirteenth section of the first chapter of the penal code, requires the inspectors, or one of them, to visit the penitentiary at least once in each week, and a monthly visit from them as board of inspectors, and oftener if they should think it necessary. From the 31st December, 1841, up to the 14th of October, 1842, the day on which I inspected the prison, the record of the inspectors' proceedings shows, that during that time, Col. Simmons had attended thirteen monthly and called meetings, and made fourteen weekly visits; Col. Watson attended eleven monthly and called meetings, and made thirteen weekly visits; and Col. Armstrong attended three monthly and called meetings, and made six weekly visits. I am thus particular for the purpose of showing the Legislature how these officers have performed their respective duties. Justice to the two first named gentlemen requires me to say, that they have done as much service as was, perhaps, necessary; but the record too plainly shows, that such

has not been the case with the last named inspector. The reason of his absence does not appear on the record of their proceedings; nor have I received any explanation of this seeming dereliction of duty. These officers are charged with very important duties connected with our penitentiary, and their attendance should be put beyond contingency. No institution can be expected to succeed without a faithful discharge of duty in those who are selected to control and govern it.

I recommend that suitable provision be made, requiring the inspectors who attend, or in case they all fail to attend, for some other officer in the Penitentiary to note every such failure, and that a certain number of failures in succession, without good cause, shall amount to a forfeiture of the office of the defaulting inspector; with a further provision, that some branch of the government be required in the recess of the Legislature to fill such vacancy.

A detailed statement of the financial operations of the Penitentiary for the current year, will be furnished you by the Warden, through the Comptroller of Public Accounts as required by law. The law makes it the duty of the inspectors, at least fifteen days before the first day of December in each year, to transmit to the Governor a report, exhibiting a complete and comprehensive view of the transactions of the Penitentiary during the preceding year. Col. Simmons, one of the inspectors made the report within the time prescribed; at the close of which he remarks, "that the other inspectors were absent at the time it was submitted." The reasons why the other inspectors failed to attend, and unite in the report submitted by Col. Simmons, your honorable body, like myself, must be left to conjecture. The report thus made, however, is no doubt correct in every particular. And believing the information it contains, was intended as much for the General Assembly, as this Department, I herewith lay a copy of the same before you.

The ten thousand dollars appropriated at the last session of the Legislature, will not be sufficient to pay the current year's expenses of the Penitentiary, including the amount to be paid for erecting workshops and some other buildings, which were necessary; and also, for laying down pipes for the purpose of conducting a sufficient supply of wholesome spring water, within the walls of the prison. At the time the institution went into operation, no workshops in which the convicts could perform their labor had been erected, nor out buildings, which were essential for the use of the officers and their families; nor any provision made by which the prison could be furnished with the necessary supply of good water. Early in the present year, a contract was made for that purpose on as good terms, it is believed, as circumstances would justify. I recommend therefore, that provisions be made for paying the amount, which may be found to be due, over and above the sum heretofore appropriated.

In the performance of a constitutional duty, coupled with a desire to promote the public good, I have thus imparted to the General Assembly the result of my most anxious reflections on the subjects alluded to; and although I do not claim for the views thus presented, that exemption from error incident to human affairs, I know them to be the off-spring of an anxious desire and devoted zeal to promote the prosperity of the State, and the interest of my fellow-citizens.

That harmony may pervade your deliberations, and that they may result in promoting the welfare of the State and the happiness of the people, is my most fervent wish.

BEN. FITZPATRICK.

Mr. Rice moved that the communication from the Governor lie on the table, and that ten thousand copies thereof be printed.

Mr. Campbell called for a division of the question; which was first taken on laying on the table, and carried.

The question then recurred on printing ten thousand copies; which was lost.

Mr. Campbell moved that five thousand copies of the communication be printed; which was carried.

Mr. Moore of M. offered the following resolution:

*Resolved*, That the following Standing Committees be appointed by the chair:

A Committee on Privileges and Elections; a Committee on Enrolled Bills; a Committee on Internal Improvement; a Committee on Roads, Bridges and Ferries; a Committee on Ways and Means; a Committee on the Military; a Committee on County Boundaries; a Committee on Education; a Committee on Accounts; a Committee on Divorce and Alimony; a Committee on the State Bank and Branches; a Committee on Public Printing; a Committee on the Judiciary; a Committee on Propositions and Grievances; a Committee on Agriculture; a Committee on the Penitentiary; a Committee on Retrenchment.

Mr. Smith of T. moved to amend the resolution, by adding the words "and on the State University;" which was lost.

Mr. Griffin, from the select committee to whom was referred "Joint Resolutions of the General Assembly of the State of Alabama," made the following report:

The select committee, to whom was referred Joint Resolutions to the President of the United States, have had the same under consideration, and instruct me to report a joint memorial as a substitute, and recommend its passage.

The question was first taken on concurring in the report of the committee, which was carried.

Mr. McClung moved to strike out the word "pray," and insert in lieu thereof the words "respectfully request;" which was carried.

The question then arose recommending the adoption of the memorial; which was carried.

Ordered the same to be engrossed, and sent forthwith to the Senate.

On motion of Mr. Pettit,

*Resolved*, That the State Bank system of Alabama has failed to answer the design for which it was created, and ought to be discontinued; and that it is the duty of the present Legislature to adopt measures for bringing the same to a close, at such time, and in such a manner as may best consult the public interest.

Mr. Martin moved that the resolution be laid on the table; which was carried.

And then the House adjourned until to-morrow morning, at ten o'clock.

WEDNESDAY, Dec. 7th, 1843.

The House met pursuant to adjournment.

Mr. Morrisett, a member of the House of Representatives from the county of Monroe, appeared within the Hall of the House, was qualified, and took his seat.

Mr. Speaker laid before the House the report of the Inspectors of the Penitentiary.

Mr. Douglass moved that the report lie on the table, and that one hundred copies be ordered to be printed; which was carried.

Mr. Douglass announced the arrival of his colleague, Henry D. Smith, a member of the House of Representatives from the county of Lauderdale, who appeared in the Hall of the House, was qualified, and took his seat.

The House then took up the resolutions introduced by Mr. Kennedy of L. on Monday last—the question being on their adoption.

On motion of Mr. Rice, the resolutions were laid on the table.

A message from the Senate by Mr. Scales, their Assistant Secretary:

MR. SPEAKER—The Senate has adopted the following resolution:

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be to examine the Comptroller's and Treasurer's offices, and report to their respective Houses, whether or not said officers have discharged their duties faithfully according to law, and have appointed Messrs. Hudson, Fleming and King, said committee on the part of the Senate.

Mr. Rice moved to concur in the resolution from the Senate, which was carried; whereupon, Messrs. Williams of P., Meriwether and Barron, were appointed said committee on the part of the House.

Ordered, that the Clerk inform the Senate of the same.

Mr. Speaker laid before the House the returns from numerous Judges of the County Courts in this State, showing the amount of taxable property in each county; which were laid on the table.

Mr. Pettit moved to take from the table the resolution offered by him yesterday, in relation to the banking system; which was lost.

Mr. Calhoun introduced a bill to be entitled an act to repeal in part the act appropriating two hundred thousand dollars annually in aid of sixteen sections; which was read a first time and ordered to a second reading.

Mr. Smith of T. presented the report of the Commissioners appointed to examine the Bank of the State of Alabama, with accompanying documents; which were laid on the table, and five hundred copies ordered to be printed.

Mr. McClung, from the select committee which was appointed to draft rules for the government of the House, reported rules for the government of the House of Representatives.

Mr. Moore of M. moved to strike out rule twenty-second, as reported by the committee; which was lost.

Mr. Ware moved to amend the twenty-sixth rule, as reported by the committee, by inserting after the word "chair," the following words:

“and in case the call of the counties should not be completed before the hour of twelve o’clock arrives, the Speaker shall commence where he left off on the next day, and so continue until all the counties shall have been called;” which was carried.

A message from the Senate by Mr. Scales:

MR. SPEAKER—The Senate has adopted the joint memorial of the General Assembly of the State of Alabama to the President of the United States, which originated in the House of Representatives.

Mr. Pettit introduced the following resolution:

*Resolved*, That one hundred copies of the rules of the House be printed for the use of the members.

Mr. Morrisett moved to amend by adding the words “and fifty,” after the word “hundred;” which was carried.

Mr. Watts introduced a bill entitled an act to repeal an act to prevent the sacrifice of real estate, passed first January, eighteen hundred and forty-two; which was read a first time, and ordered to a second reading.

Mr. Barron introduced a bill to be entitled an act to compensate Henry Farron for a slave executed in pursuance of law; which was read the first time, and ordered to a second reading.

Mr. Erwin presented a bill to be entitled an act to compensate William R. Brackin; which was read the first time, and ordered to a second reading.

Mr. Campbell introduced a bill to be entitled an act for the regulation of the Branch of the Bank of the State of Alabama at Mobile; which was read a first time, and on motion of Mr. McClung, it was laid on the table, and one hundred copies ordered to be printed.

On motion of Mr. Calhoun,

*Resolved*, That the House do now go into the election of a committee to act jointly with such committee as may be chosen on the part of the Senate to examine the condition of the State Bank.

Whereupon, Messrs. Calhoun, McCoy and Robinson were appointed said committee on the part of the House.

Ordered, that the Clerk inform the Senate.

Mr. McClung moved to take the Governor’s message from the table, and that it be acted upon by the committee of the whole House to-morrow at eleven o’clock; which was carried.

Mr. Clay offered the following preamble and resolutions:

WHEREAS, the vigilance, energy, and military skill of General Andrew Jackson, at New Orleans, during the campaign of eighteen hundred and fourteen, and fifteen, have frequently been approved of by the American people; and

WHEREAS, on the fifteenth day of February, eighteen hundred and fifteen, Congress voted thanks to that illustrious soldier, for his patriotic and gallant defence of New Orleans, and directed a medal to be struck and presented to him, in testimony of the high sense entertained of his good conduct and eminent services:

*Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators in Congress be instructed, and our Representatives be earnestly

requested, to use their best efforts to effect the passage of a law directing that the fine of one thousand dollars imposed on General Andrew Jackson by Dominick A. Hall, Judge of the Court of the United States for the District of Louisiana, and which was paid into the hands of the Marshal of said District, by General Andrew Jackson, be refunded to him, with costs and interest on the same, from the day of payment thereof.

*Resolved*, That the Governor be requested to transmit a copy of these Resolutions to each of our Senators and Representatives in Congress.

Mr. Clay moved that the Resolutions be made the special order of the day for Monday next, at eleven o'clock; which was carried.

Mr. Moore of P. introduced a bill to abolish brigade encampment drills in the fourteenth brigade, third division, Alabama militia; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Bishop introduced a bill to regulate and define the fees of the Judges of the County Courts, and for other purposes; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Hill introduced the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on to-morrow, at the hour of twelve o'clock, for the purpose of electing a Judge for the County Courts of the counties of Bibb, Wilcox, Butler, Pike and Russell; which was carried.

Mr. Barclay presented the petition of Daniel Rather and others, praying a change of county boundaries; which was read, and referred to a select committee composed of the delegation from Talladega and Benton.

Mr. Griffin, from the select committee to whom was referred the joint memorial of the General Assembly to the President of the United States, reported the same as correctly enrolled.

Mr. Kennedy of L. presented the petition of sundry citizens of Florence and its vicinity, praying for the relief of Jacob Lacey, a free negro; which was referred to the delegation from Lauderdale.

Mr. English introduced a bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama; which was read the first time, and ordered to a second reading.

Mr. Whorton presented the petition of sundry citizens of Blount and Walker counties, praying the passage of a law authorizing H. G. K. Shannon to peddle in said counties; which was referred to a select committee composed of the delegation from Blount and Walker counties.

On motion, the House adjourned until to-morrow morning at ten o'clock.

THURSDAY, December 8th, 1842.

The House met pursuant to adjournment.

Mr. Speaker announced the following Standing Committees, to wit:

*On Accounts*—Messrs. Jones of Greene, Miree, Gasque, Bothwell, Banks, Morrisett, Jones of Covington.

*On the State Bank and Branches*—Messrs. Campbell, Moore of Madison, Findley, Morgan of Autauga, Meriwether, Winston of De Kalb, Earle, Pettit and Witherspoon.

*On Ways and Means*—Messrs. Bridges, Calhoun, Walker, Williams of Jackson, Campbell, Abernathy, McCoy, McLemore and Barron.

*On the Judiciary*—Messrs. McClung, Dunn, Jones of Greene, Robinson, Henley, Porter, Moore of Perry, Gresham and Kennedy of Lauderdale.

*On Education*—Messrs. Cochran, Clay, Smith of Pickens, Dortch, Dear, Pickett, Tate and Kidd.

*On Enrolled Bills*—Messrs. Scott, English, Cunningham, Storrs and Norris.

*On Internal Improvement*—Messrs. Ware, Williams of Pickens, Bishop, Norman, Cain and Douglass.

*On Roads, Bridges and Ferries*—Messrs. Woodward, McMillion, Dubose, Gardner, Henderson, Jones of Conecuh, Jackson and Kennedy of Marion.

*On Privileges and Elections*—Messrs. Walker, Cooper, Martin, Kennedy of Marion, Miree, Dear, Harris and Lankford.

*On the Military*—Messrs. Kidd, Harrison, Mundy, Erwin, Valliant, Bishop and Murphey.

*On County Boundaries*—Messrs. Barclay, Griffin, Morris, Oliver, Cain, Pynes, Skipper and Hill.

*On Public Printing*—Messrs. Moore of Perry, Clay, Tate, Smith of Tuscaloosa, McCoy, Pettit, Witherspoon and Hendrix.

*On Propositions and Grievances*—Messrs. Moore of Madison, Woodward, Whorton, Morrisett, Harris and Richeson.

*On Divorce and Alimony*—Messrs. Cooper, Rice, Garland, Mitchell, Norris and Turner.

*On Agriculture*—Messrs. Morgan of Autauga, Barron, Dunklin, Marchbanks, Morgan of Chambers, Morrison, Pickett, Smith of Lauderdale and Morris.

*On the Penitentiary*—Messrs. Erwin, Kendrick, Banks, Martin, Henley, Smith of Pickens and Henderson.

*On Retrenchment*—Messrs. Winston of Sumter, Robinson, Dunn, Roby, Ware, Watts and Norris.

Mr. Calhoun offered the following resolution:

*Resolved*, That the list of indebtedness to the several Banks, as shown by the reports of the Discount Clerks, heretofore read and laid upon the table, be taken from the table and referred to the Joint Examining Committee, and that those hereafter received be referred in the same way; which was adopted.

Mr. Morgan of A. presented a petition; which was read, and referred to the committee on the military.

Mr. Mitchell presented a petition; which was read, and referred to the committee on privileges and elections.

Mr. Jackson offered a petition, in writing, for the impeachment of the Hon. John P. Booth, Judge of the sixth judicial circuit of Alabama, as follow :

WHEREAS, the due and faithful administration of the laws, is that which more than any thing else distinguishes us as a people from barbarians and marauders, it being the only refuge against conspiracies, fraud and calumny—it is the shield to guard against anarchy, despotism



and tyranny—all our civil, religious and political rights and liberties of the citizen, depend mainly on its just exercise : hence, our judges should not only be pure and upright, morally and judicially ; but, like Cæsar's wife, they should be above suspicion. Once suffer them to depart from constitutional and legal enactments, and the world's best hope will have departed !

AND WHEREAS, it is the duty of every good citizen, but more particularly of every member of our legislative bodies, to make known to the proper tribunal, every flagrant violation committed by any one holding the highly responsible and important office of judge, in order that our people may be protected in the enjoyment of their civil and political rights, by the removal of the corrupt and dishonest officer : Therefore I, John Jackson, one of the Representatives from the county of Barbour, charge and accuse John P. Booth, judge of the sixth judicial circuit, of high crimes and misdemeanors ; and in the name and on behalf of the people of Alabama, move this House, the Representatives of the people in General Assembly met, for articles of impeachment against the said John P. Booth.

I charge and accuse the said John P. Booth, judge as aforesaid, of corruption and malversation in office, and the following specifications, viz :

*Specification 1st.* For that the said John P. Booth, while presiding as judge of the Circuit Court of Dale county, at the spring term of one thousand eight hundred and forty-one of said court, did wilfully, knowingly and corruptly change and alter the recorded minutes of said court, which are authorized by law to be kept, by erasing the sum of five hundred and eighty-nine seventy-five-hundredths dollars principal, and fifty-eight dollars and ninety cents, being ten per cent. damages, and all costs, and inserting in lieu thereof the sum of two hundred and fifty-six dollars and seventy-five cents, as the balance found due, and the further sum of twenty-five dollars and seventy-five cents, being ten per centum damages thereon, and all costs, thereby cheating and defrauding the plaintiff in execution out of the just and lawful sum of three hundred and sixty-six dollars and sixteen cents.

The plaintiff's attorney, John Gill Shorter, Esq., on being apprised of the alteration of said judgment by the judge aforesaid, by the clerk of said court, by letter received in the town of Irwinton, met the aforesaid judge and demanded an explanation : whereupon, the said judge, John P. Booth, denied all knowledge of it, remarking that he should visit his plantation in Dale county, and if he found such alteration, would correct it. Subsequently, said judge addressed a letter to the clerk of the court aforesaid, instructing him again to alter said record. The said clerk thereupon addressed a letter to Mr. Shorter, asking for information in relation to his duty in the premises, who received from that gentleman an answer not to "touch the record." The aforesaid alteration was made covertly and corruptly, without the consent or knowledge of the plaintiffs, or their counsel, and for the purposes of cheating and defrauding the plaintiffs.

*Specification 2d.* For that the said John P. Booth, judge as aforesaid, did wilfully, knowingly and corruptly refuse or fail to hold the regular term of the Circuit Court of Covington county, at the spring term of one thousand eight hundred and forty-one, and the spring term of one thousand eight hundred and forty-two, which courts by law it was his duty to hold, he being then the presiding judge of the Circuit Court of said judicial circuit, and was not prevented from holding said court, by any providential or unavoidable causes.

*Specification 3d.* For that the said John P. Booth, judge as aforesaid, did, while presiding as judge of the Circuit Court of Barbour county, at the spring term of one thousand eight hundred and forty-two, of said court, corruptly, knowingly and publicly declare that Tryon Best should be hung! the said Tryon Best then being on his trial before the said John P. Booth, for the crime of murder, before his case was submitted to the jury.

*Specification 4th.* For that the said John P. Booth, judge as aforesaid, did wilfully and corruptly grant a new trial to the defendants in the case of J. & B. F. Petty *vs.* Maclay, Asher & Co., several days after adjournment of the court in which the trial was had, to wit, the spring term, one thousand eight hundred and forty-one, of the Circuit Court of Barbour county, there having been no motion made by said defendants, or counsel, during the term, and no notice given to the adverse party of the application for a new trial; the said John P. Booth, judge as aforesaid, directing the clerk of said court, by letter, to enter the order for a new trial upon the minute record of said court, long after the adjournment of said term, and the minutes signed by him. The order being illegal, the clerk refused a compliance; and as in duty bound, by advice of his counsel, issued an execution, whereupon the said John P. Booth, judge as aforesaid, issued a *supersedeas* under his sign manual.

*Specification 5th.* For that the said John P. Booth, judge as aforesaid, did, in the month of January, one thousand eight hundred and forty-two, wilfully and corruptly, as judge aforesaid, order and direct the clerk of the Circuit Court of said county of Barbour, to issue a writ of *supersedeas* in the case of Seth Lore *vs.* Duncan McRea and his securities, in which case a judgment had been decreed against said Duncan McRea and his securities, in the Circuit Court of said county, the said order and directions having been given without any written petition filed by said defendant, and without the said John P. Booth having required any bond from said defendants, as a condition precedent for the issuance of said writ, although known that the defendants were insolvent.

*Specification 6th.* For that the said John P. Booth, judge as aforesaid, did, while presiding as judge of the Circuit Court of the said county of Barbour, at the spring term, one thousand eight hundred and forty-one, wilfully and corruptly propose to Thomas Gray, a citizen of said county, and a suiter in said court, to make a selection between two cases then pending in said court, in which said Thomas was defendant, promising and determining to decide the case selected by the said Gray, in favor of him the said Gray. One of the cases referred to in the fore-

going specification was a suit brought by the Life Insurance and Trust Company of Florida against said Gray; which he assured said Gray he had dismissed, when at the same time he had entered a judgment against him. The other case referred to, was a suit brought by the Bank of Pensacola against said Gray, which he assured him, the said Gray, he had under consideration, when at the same time he had given judgment against him.

*Specification 7th.* For that the said John P. Booth did, while presiding at the September term, one thousand eight hundred and forty-two, of the Circuit Court of said county of Barbour, wilfully and corruptly promise and agree to and with one Peter Eldridge, that he, the said John P. Booth would grant to the said Peter Eldridge a new trial, in the case of the Branch of the Bank of the State of Alabama at Montgomery, against the said Peter Eldridge, upon condition that the said Peter Eldridge would discharge the counsel he had retained, and would employ another, which was done.

*Specification 8th.* For that the said John P. Booth did, while presiding as judge of the Circuit Court of said county of Barbour, at the September term, one thousand eight hundred and forty two, corruptly, wilfully and secretly counsel and advise Daniel B. Rider, who was indicted for the crime of perjury, and an assault with intent to kill, at the said term, to surrender himself to the sheriff of said county, and to demand a trial at said term, promising and pledging that he, the said Rider, should not be convicted of either offence, he, the said John P. Booth, arranging and determining the manner and mode of defence for the said Rider to make in each of said cases.

In the name and on behalf of the people of Alabama, I charge and accuse John P. Booth, judge of the sixth judicial circuit of the State of Alabama, of wilful and intentional neglect of duty as judge; of being a gambler by profession; a drunkard in practice; of being the associate, counsellor, protector and friend of professional gamblers.

*Specification 1st.* For that the said John P. Booth wilfully and intentionally, at the March term, one thousand eight hundred and forty-two, of the Circuit Court of Pike county, (the said John P. Booth then being the presiding judge of said court,) did absent himself from the place of holding said court, for the space of two days and a half, the said John P. Booth not having been prevented by any providential, or other sufficient cause, from holding the said court at the time prescribed by law; but that he, the said John P. Booth, remained in the town of Clayton, a distance of forty miles from the place of holding said court, one entire day and night, drunk, when he should have been at the place of holding said court.

*Specification 2d.* For that the said John P. Booth, whilst presiding as judge of the Circuit Court of said county of Barbour, at the March term, one thousand eight hundred and forty-one, thereof, did, while said court was in session, devote one entire night to gambling and drinking, by reason whereof, he did not open said court until after twelve o'clock the next day.

*Specification 3d.* For, that the said John P. Booth, while presiding as Judge of the Circuit Court of said county of Barbour, at the September

term, one thousand eight hundred and forty-two, did wilfully, corruptly and intentionally, hold said court while he the said John P. Booth was in a state of intoxication, that rendered him incapable of discharging the duties of Judge.

*Specification 4th.* For, that the said John P. Booth, while presiding as Judge of the Circuit Court of Henry county, at the October term, one thousand eight hundred and forty-two, attempted to hold said court when he was so much overpowered by sleep, his head laying on his shoulder in consequence of intoxication, as to be utterly ignorant of the proceedings in court, unable to articulate so as to be understood, and physically unable to leave the bench, in consequence of which, he had to be carried from the court house.

*Specification 5th.* For, that the grand jury for the county of Barbour, at the Fall term, one thousand eight hundred and forty-one, the Hon. Eli Shortridge presiding, did find a true bill against the said John P. Booth, Judge as aforesaid, for card playing in a certain town in said county, during the Spring term, one thousand eight hundred and forty-one, of the Circuit Court of said county, at which the said John P. Booth presided as Judge, as set forth in the second specification. Further, that since the finding of said bill of indictment for gambling, against the said John P. Booth, by the grand jury as aforesaid, said case has been continued and is undisposed of—his brother-in-law, J. Jackson, Solicitor, notwithstanding the said John P. Booth has held two terms of said Circuit Court since, to wit: Spring and Fall terms, one thousand eight hundred and forty-two.

*Specification 6th.* For, that the said John P. Booth did, while presiding as Judge of the Circuit Court for the aforesaid county of Barbour, at the Fall term, one thousand eight hundred and forty-two, charge the jury, among other things, that the particular statute for the suppression of gambling, to wit: "the twelve section of the sixth chapter of the new penal code," was intended by the Legislature to apply to professional gamblers," and *not* to private citizens. Under this charge the jury found William B. Cole, who was on his trial for keeping and exhibiting a faro bank, and clearly and positively established by the testimony of two respectable witnesses, and not attempted to be controverted, not guilty.

*Specification 7th.* For, that the said John P. Booth, Judge as aforesaid, did publicly declare that had the jury found the above name William B. Cole guilty, he would have granted him a *new* trial, notwithstanding he knew the said Cole, by association with him, to have been a professional gambler for the last six years.

*Specification 8th.* For, that the said John P. Booth, Judge as aforesaid, did, contrary to law and the express duty of all judicial magistrates, discharge, set at liberty one Peleg Blakely, who had been arrested on a warrant issued by Hon. George L. Barry, Judge of the County Court of said county of Barbour, at the instance of John Gill Shorter, Esq., Solicitor of the sixth Judicial Circuit of the State of Alabama, on a charge for keeping and exhibiting a faro bank in said county, on

the affidavit of a respectable citizen, without giving said Solicitor any notice of an application for his discharge, or taking bail, which was required by an endorsement of Judge Barry, on the warrant, in the sum of one thousand dollars.

*Specification 9th.* That the said John P. Booth, Judge of said sixth judicial circuit, while during the sitting of Court, and before trial of cases to be had before him, frequently being in the habit of asking parties or their counsel, to do, or not to do certain things in relation thereto; and that he would sustain them, thus prejudicing cases, and acting partially and corruptly.

*Specification 10th.* That after the adjournment of the Fall Term, one thousand eight hundred and forty-two, of the Circuit Court of Barbour County, at which the said John P. Booth presided, and the minutes having been signed by him, to wit, in the county of Henry, he the said John P. Booth did corruptly, wilfully, and illegally give a judgement against John McRea, sheriff of Barbour county, and ordered the Clerk of said county, by letter, to enter it of record; the said McRea having no notice of the illegal proceedings against him, the record or minutes of the Court in Barbour not showing that the case was taken by said Judge for advisement or further consideration—the case having been disposed of, previous to said Judge John P. Booth having signed the minutes.

*Specification 11th.* That previous to the sitting of the Circuit Court for the county of Barbour, at the Fall Term, one thousand eight hundred and forty-two, a *supersedeas* was granted by the said John P. Booth presiding Judge of said Court, to stay an execution in favor of Seaborn Jones against John Currie, which had been issued by the Clerk of said Court, by order of the Chancellor, the Hon. Anderson Crenshaw, on the dissolution of an injunction between said parties; that at the Fall Term, one thousand eight hundred and forty-two, of the Circuit Court for the county of Barbour, the aforementioned John P. Booth presiding, the said *supersedeas* was dismissed by him at the defendant's cost. That afterwards on the last day of the term of said Court and without giving the plaintiff or his attorney any notice, the said John P. Booth entertained a motion to set aside the judgment of dismissal and reinstate the case, which he granted, greatly to the detriment of said plaintiff, and without his or his counsel's consent or knowledge.

*Specification 12th.* For, that he the said John P. Booth in a state of *delerium tremens*, absented himself from the court house of Henry county, at the Fall Term, one thousand eight hundred and forty-two, at which he had presided as Judge, without discharging the petit jury or adjourning said Court.

*Specification 13th.* Gross dereliction of duty and partiality in the case of the State vs. B. W. Hodges, sheriff of Pike county, for the wilful or negligent escape of two persons by name of Hyle, charged with murdering a highly respectable citizen by name of McClurdon, permitting them to go at large without bond, who made their escape during the sitting of the Court, at which said Booth presided; thus mocking

the friends of the deceased and outraging public justice, to the great terror of the community, and encouragement to those who have not the fear of God before their eyes, fining said sheriff the pitiful sum of twenty-five dollars, for so premeditated and scandalous an act, at the spring term, one thousand eight hundred and forty-one, of the Circuit Court of Pike county, held by the said John P. Booth, as judge.

*Specification 14th.* For that the said John P. Booth, while presiding as judge of the Circuit Court of Barbour county, at the March term, one thousand eight hundred and forty-two, did, wilfully, intentionally, and wickedly, teach to Watts Mann, a blasphemous and disgraceful speech, and persuaded the said Mann to commit it to memory, and advised and permitted the said Mann to repeat said speech while said Court was in session.

In the name and on behalf of the people of Alabama, I charge and accuse John P. Booth, Judge of the sixth judicial circuit of the State of Alabama, with knavery, duplicity, corruption and wilful dereliction of duty as Judge, in the case of the State vs. G. W. Lore, for the crime of highway robbery and murder of Henry Blake.

*Specification 1st.* The said George W. Lore was arrested in the month of February, one thousand eight hundred and forty-one, in the county of Barbour, charged with the murder of Henry Blake, and committed to the jail of Chambers county for safe keeping, from whence he was carried to Irwinton, in the county of Barbour, by virtue of a writ of *habeas corpus*, issued by the said John P. Booth, Judge as aforesaid, who, on said Lore being brought before him at Chambers, ruled that it was a bailable case—professed to have received a bond with good and sufficient security, in the sum of ten thousand dollars, to appear at the March term, one thousand eight hundred and forty-one, of the Circuit Court for the county of Barbour for trial; said bond, if indeed such was taken by him, has never been placed on file, or known as an office paper. That subsequently, on argument of the case, at Chambers, said Judge ruled, he the said Lore should be set at liberty on giving bail in the sum of twenty thousand dollars, which said Lore not being able to give, was committed to Russell jail.

*Specification 2d.* The said Lore was arraigned at the March term, one thousand eight hundred and forty-one, at the Circuit Court for the county of Barbour, the said John P. Booth presiding, and was put on his trial—the jury being unable to agree upon a verdict before the term of the Court expired by its own limitation, a mistrial was had. The said Judge ruled that the prisoner was entitled to bail, it not having been given, caused the Clerk of said Court to enter the following order of record. “Whereupon it was ordered by the Court, that the said Lore be remanded to jail.” The day after the Court adjourned, (being Sunday,) the said John P. Booth, Judge as aforesaid, directed the sheriff to carry the prisoner via Irwinton, ten or fifteen miles out of the way, to Russell county jail. The sheriff accordingly took the said Lore to Irwinton, which place he reached in company with said Judge; he had arrived there but a few minutes, when he received an order from said Judge, of which the following is a copy:

“ *Mr. John McRea*:—You will discharge the prisoner George W. Lore, who is now in your custody, he having given bond and security, which is good.

[Signed,]

JNO. P. BOOTH.

28th March, 1841, (being Sunday.)

The bond above alluded to was said to be for the sum of ten thousand dollars. Seth Lore and Edmond Shepperd as security, and a blank left for one Emory to sign as a third surety. A gentleman by the name of Seldon S. Walkley was induced to sign his name at the bottom of said bond conditionally, to wit; until the said Emory should come to town from his plantation and subscribe his name as third surety; this was the express understanding and agreement between said Walkley and that pure and righteous Judge. Further, that under no circumstances was said Walkley's name to be inserted in the body of the bond, and that it should be cut off from said bond so soon as Emory should have subscribed. Said bond, in place of being filed in the clerk's office, was left with the wife of the said Judge, and was sent by her to the Hon. George L. Barry, as counsel for the murderer, Lore, who received said bond, took the signature of said Emory to it, and returned it to Mrs. Booth; said bond, if ever it has ever seen the light of Heaven since, has never been placed on file, or known as an office paper.

*Specification 3d.* That whereas, the friends of [the inhumanly and barbarously murdered Blake, on being apprized of the condition and character of the bond, as described in the preceding specification, and well knowing the corrupt and disgraceful character of the Judge, became satisfied they had been mocked and insulted, and the law under his mal-administration, had been ruthlessly trampled under foot and disregarded, took the law into their own hands, so far as the security of the person of the prisoner was at issue, by taking him into their custody, having caught the said prisoner on board a steam boat, on the eve of departure from the State.

Whereupon, the said John P. Booth, Judge as aforesaid, seeing he was foiled in his infamous attempt to screen a felon from the punishment due to his crime, issued a writ of *habeas corpus*, on or about the thirteenth day of May, one thousand eight hundred and forty-one, directed to the sheriff, to bring the body of said Lore before him, at an adjourned term of the Circuit Court, held in Clayton, for the county of Barbour, in said month of May, one thousand eight hundred and forty-one, that said Lore might be dealt with according to law. God save the mark—the mandate was obeyed—the prisoner was brought to the bar; but not the bar of justice in a legal, and constitutional sense—brought to the bar of an usurper and tyrant, a foe to justice and virtue—a Rhadamanthus presiding, who substituted his own will for the law of the land. That arbitrary, tyrannical, and corrupt Judge, in violation of law and justice, after hearing of counsel, decreed he should be admitted to bail, and in the sum of twenty thousand dollars with good and sufficient security; remarking to the afflicted friends of the victim of more than savage barbarity, that he would not take Seth Lore and Edmond Shepperd for five dollars; that he knew them well, and had no doubt they would swear they were worth

a hundred thousand dollars; but whom he knew not to be worth any thing; executions having been returned against them "no property." The said prisoner Lore, remaining in possession of the sheriff, and the session of the Court probably prolonged twenty-four hours, for the convenience of the prisoner, and to give him the said Judge time to devise the ways and means, so the prisoner might escape the punishment due to his crime, as prescribed by the ordinances of God, and the institutions of man. But finding said prisoner not forth coming with the bond, which he knew he could not, nor was not *ever* intended or expected by him, the said John P. Booth, Judge as aforesaid, ever to be given—professing a virtue which he did not possess, of being firm and inflexible to his decision, and of a strict and rigid adherence to his integrity and firmness of purpose, pompously proclaimed; but never understood by those who knew his depravity of heart; his order to the sheriff, to take the prisoner to Russell county jail, which order was promptly obeyed by the worthy sheriff, by dispatching two of his deputies, who committed said prisoner to the custody of the sheriff of Russell county. As the two deputies were on their return from said county, they met a messenger with a writ of *habeas corpus*, issued by the veritable Simon-pure John P. Booth, Judge as aforesaid, commanding the said sheriff of Russell county to bring the body of the said George W. Lore before him at Chambers, at Irwinton in the county of Barbour, to be dealt with according to law—by one whose ermine had not been soiled, on the contrary, pure and spotless as the snow just descended from the celestial regions. The sheriff of Russell county delivered the prisoner George W. Lore into the hands of said Judge John P. Booth, who turned said Lore loose upon society; but on what terms and conditions the public has yet to learn. At present it is only known to him and his co-workers in iniquity, and to Omniscience. No bond, if any was taken, (as he decreed, for the good and lawful sum of twenty thousand dollars, with good and sufficient security—not Seth Lore and Edmond Shepperd, on the honor of a Judge,) has been filed with the clerk of the Court, or known as an office paper. I will hazard the assertion however, that no man who has any regard for his reputation for veracity dare assert that such a bond ever did exist. I will further remark, as an additional evidence of his, the said John P. Booth's corruption and depravity of heart, and favoritism towards said Lore, that when travelling the road from Clayton to Irwinton, after the adjournment of the Court at the March term, one thousand eight hundred and forty-one, the said John P. Booth riding in a vehicle with Seth Lore, the uncle of the murderer, George W. Lore, that they met a gentleman by name of Chittenden, who the said John P. Booth accosted thus: "Chittenden stop and give us a certificate that we have not robbed or murdered you." The motive cannot, in my judgment, be misapprehended. Such certificate might however, be necessary to screen them from a suspicion of having *connived* at the robbery and murder, that had been committed, and that by their advice and management; and particularly of the said John P. Booth, as were by his knavery, duplicity, and determination, he having prejudged the case—that the dark and bloody deed should go unpunished or that large sums of money were not paid to accomplish the hellish design.



The then Solicitor, F. S. Jackson, for reasons best known to himself, in disregard of his official oath, did not prosecute the culprit charged with so heinous an offence as highway robbery and murder, in a case where little, if any doubt rested in the minds of reflecting, sensible and candid men, of the guilt of the accused. The law on the subject, may be found at page forty-six, of Aikins' Digest in these words, to wit: "It shall be the duty, (viz. Solicitor,) to prosecute all defenders against the State." Which duty they are sworn to perform—but resigned his office, and undertook his defence for a large fee.

*Specification 4th.* For, that the said John P. Booth, Judge as aforesaid, having failed to file a bond, if any existed, for the appearance of said Lore, to take his trial at the Fall Term, eighteen hundred and forty-one. His Hon. Eli Shortridge, presiding, and the said Lore, having appeared and made application to have his case removed to Henry county, for trial; which, on said Judge granting, recognized the said Lore, and Seth Lore, Ed. Sheppard and Hopewell Emory, as securities for his appearance. A trial was there had at the Fall Term, eighteen hundred and forty one, and the Jury failing to convict, the same parties were again recognized in the same sum, twenty thousand dollars. At the Spring Term, eighteen hundred and forty-two, he, the said Lore was again arraigned, tried, convicted, and sentenced to be hung, on the fifteenth July, following, previous to that day, was let out of jail, and made his escape to parts unknown.

I further charge and accuse, in the name and behalf of the people of Alabama, John P. Booth, Judge of the sixth Judicial Circuit of the State, with having held two successive Courts in said Circuit, contrary to law, made and provided in such case.

*Specification 1st.* For, that inasmuch as the said John P. Booth, Judge of the sixth Judicial Circuit, did open and commence holding Court in said Circuit, at the Fall Term of said Circuit Court, contrary to law—the gentlemen composing the bar of said Circuit met and agreed not to try any litigated case, before said John P. Booth, by reason of the illegality of his holding said Court, and of his well known partiality, unfairness, corruption, gross licentiousness and drunkenness, that rendered him unworthy and incompetent for the faithful and honest discharge of his duty as Judge, whereupon the following consent rule was adopted:

#### ALABAMA, Barbour County.

The undersigned, members of the bar of the sixth Circuit, hereby agree that all cases on the trial docket of the Circuit Court of said County, at Fall Term, eighteen hundred and forty-two; in which appearances are now entered, or in which counsel for defendants, are already employed, shall stand continued as on defendants' affidavit, without further shewing, and without any shewing whatever: *Provided*, That this consent rule shall not apply to any proceeding against any Sheriff, Coroner, Constable or Clerk, where any official default is the cause of motion or action: dated August thirty-first, eighteen hundred and forty-two, and signed by eighteen members of the bar, to wit: George L. Barry, Calhoun Thompkins, Buford & Pugh, John W. A. Pettit, S. G.

Cato, Hugh N. Crawford, Wiley & Jackson, Lewis & Reese, P. H. Mitchell, Benjamin F. Hennard, A. C. Van Epps, F. S. Jackson, Jas. L. Hunter and John Gill Shorter.

I further charge and accuse the said John P. Booth of corrupt and wilful neglect of duty, while presiding as Judge of the Circuit Court of Henry county, at the Fall Term, eighteen hundred and forty-two, in the case of the State vs. George W. Lore.

*Specification 1st.* For, that the said John P. Booth, Judge as aforesaid, for purposes best known to himself, but adverse to the interest of the State and welfare of our people and good of society, did refuse to order the said Geo. W. Lore, (after being condemned to die for the murder of Henry Blake, at the Circuit Court of Henry county, at the Spring Term, eighteen hundred and forty-two,) to some safe jail, to guard against his escape, it having been represented by the Counsel for the State, that the jail of Henry county was insecure or unsafe; to which he gruffly and insolently replied, that it was no business of his, and reproved the counsel for making the application, adding, it was the business of the Judge of the County Court and Commissioners of Roads and Revenue to make said jail safe. As was apprehended, the said felon was let out of said jail, by a silver key; which it was believed could not have been successively used at Chambers and Russell jail, and hence, the application for his removal thence, so that said condemned felon could be placed beyond the control and influence of said Judge, should he be disposed to exercise it as on former occasions.

*Specification 2d.* For that the said John P. Booth, Judge as aforesaid, did write a letter to the Sheriff of Henry county, Young Mann, with a view to influence that officer in the discharge of his duty, of which the following is the substance:

“YOUNG MANN—

“Dear friend:—As it is expected that my friend, George W. Lore, will move his trial to your county, I wish him tried by a respectable and intelligent jury, and not by fools, &c.” To which the said Sheriff adds the following certificate: “I do certify that the above is a true copy,” in substance, of a letter I received by the hand of Geo. W. Williams, (who, I will here remark, had been employed as Counsel to defend Lore at Henry,) directed to me from Clayton, Barbour county, Alabama, and Williams observed to me that it was from Booth; there was no name signed to the letter—the date of the letter I don’t recollect. This November, twenty-second, eighteen hundred and forty-two.

[Signed,]

YOUNG MANN.

A similar letter was said to have been written to the same officer, by the then Solicitor of the Circuit. I mention this circumstance to show the case of Lore was a most aggravated one, and a conspiracy of the basest sort, had been concocted to screen a felon from the punishment due to his crimes, and as going to palliate, in a degree, if not to excuse the execution of Lore, by a large and respectable number of my constituents, whose feelings had been outraged, and the lives of members of two families were believed to be in eminent danger. The murder of Blake, was one of the most atrocious on record.

*Specification, 3d.* For, that at the Spring Term, eighteen hundred and forty-two, in the case of "J. Wescott, use of L. Q. C. Elmor vs. Wm. S. Paulding," a judgment was taken for the plaintiffs, for three thousand dollars and upwards—a motion was made by defendant's Counsel for a new trial—on plaintiffs' Counsel rising to reply, was stopped by the presiding Judge, said John P. Booth, of the Circuit Court, then sitting in the county of Barbour, remarking the shewing made for new trial, was not sufficient to entitle the defendant to a continuance previous to judgment, much less so after—while at same moment taking his pen and wrote "granted."

*Specification 4th.* For, that the said John P. Booth did, while presiding as Judge of the Circuit Court for the county of Barbour, at the September Term, eighteen hundred and forty-two, grant a *supersedias* in the case of Watts Mann vs. John Currie and others, in violation of law and justice, and repeated it at the next term of said Court, greatly to the detriment of the plaintiff. Thus have the people of the sixth Judicial Circuit of Alabama, been mocked and insulted for the last four years, by a corrupt and licentious Judge; they have forborne until forbearance has ceased to be a virtue; forgetting or disregarding the fact, that he is a servant, not a master over the people; clothed with authority by the Legislature of his State, to administer in its purity, has prostituted it to the basest purposes—so true it is, that Almighty God first deranges those he intends to destroy. Charges and specifications might be extended to a much greater length if deemed necessary to effect his removal from office, but it cannot be possible, as many members of this House, are cognizant to his malpractices in several other Circuits, besides the sixth; but I forbear, and turn with loathing and disgust from a further retrospect of his disgraceful conduct.

On motion of Mr. McClung, it was ordered to be laid on the table for the present.

Mr. Speaker laid before the House the report of the Cashier of the Bank of the State of Alabama; which was referred to the joint examining committee.

The hour of eleven o'clock having arrived, Mr. Bridges moved that the House do now go into the committee of the whole House on the message of His Excellency the Governor; which was carried, and the committee, after having devoted some time to the consideration of the message, rose, and Mr. Bridges, the chairman, made the following report:

The committee of the whole House, to which was referred the message of His Excellency the Governor, have had the same under consideration, and respectfully recommend to the House, that the message be disposed of as follows:

That so much of the Governor's message as relates to the cotton crops, be referred to the Committee on Agriculture.

That so much of the Governor's message as relates to education, be referred to the Committee on Education.

That so much of the Governor's message as relates to the condition of the State Bank and Branches, and the Planters' and Merchants'

Bank at Mobile, be referred to the Committee on the State Bank and Branches.

That so much of the Governor's message as relates to the support of the State Government, and the repeal of the laws in favor of valueless sixteenth sections, be referred to the Committee on Ways and Means.

That so much of the Governor's message as relates to the abbreviation of legal forms, be referred to the Committee on the Judiciary.

That so much of the Governor's message as relates to the Penitentiary, be referred to the Committee on the Penitentiary.

That so much of the Governor's message as relates to digesting the statute laws, be referred to the Committee on the Judiciary.

That so much of the Governor's message as relates to the tariff, the act of Congress commanding the States to adopt the District system in selecting members to Congress, or any other matter connected with the General Government, be referred to a select committee consisting of one member from each judicial circuit.

That so much of the Governor's message as refers to vacancies that will happen in the judiciary during the coming spring, and recommends elections to provide for such vacancies, be referred to the Committee on the Judiciary.

That so much of the Governor's message as relates to the execution of slaves, and full compensation for them, be referred to the Committee on the Judiciary.

That so much of the Governor's message as relates to the amount paid to jailers for the support of prisoners, be referred to the Committee on Accounts.

That so much of the Governor's message as relates to our State claims against the General Government for money paid our troops and citizens during the Indian hostilities, be referred to a select committee.

That so much of the Governor's message as relates to agriculture, be referred to the Committee on Agriculture; in which the concurrence of the House is requested.

The question was taken upon concurring in the report of the committee, and carried.

A message from the Senate by Mr. Scales:

Mr. SPEAKER—The Senate has adopted the following resolution:

*Resolved*, That the Senate do now go into an election of a joint committee on the part of the Senate, to examine the State Bank, and have elected Messrs. Walthall, Dent and Hudson, said committee.

The Senate has amended the resolution of the House of Representatives, proposing to go into the election of County Court Judges on to-day, by striking out "Thursday," and inserting "Saturday;" and also by striking out "Russell;" in which the concurrence of the House is requested.

The question was taken on concurring in the amendments of the Senate, and carried.

Mr. Jackson presented a petition, which was referred to the delegation from Barbour county.

Mr. Jackson introduced a bill to alter the name of Irwinton in Barbour County in this State, to that of "Eufaula;" which was read a first time and ordered to a second reading.

Mr. Kendrick presented the account of Signal M. Smith; which was referred to the committee on accounts.

Mr. Jones of Covington, introduced a bill to compensate certain persons therein named and for other purposes; which was read the first time and ordered to a second reading.

Mr. Calhoun presented the petition of sundry persons of Dallas County in relation to roads; which was referred to the committee on roads, bridges and ferries.

Mr. Norris presented the petition of sundry citizens of Dallas county, in relation to a certain township school in Dallas county; which was read and referred to the committee on education.

Mr. Calhoun introduced a bill to regulate the purchase of timber for the use of roads in the county of Dallas; which was read the first time and ordered to a second reading.

Mr. Speaker laid before the House the decrees of divorce in the cases of Benjamin Gleadall vs. Ellen Gleadall, Frances M. Dean vs. Gabriel G. Dean, Caroline Richie vs. Anthony Richie, Catharine Whiddon vs. Weston Whiddon, Jane S. Wheeler vs. Charles J. Wheeler, Harriet Spriggs vs. Erastus L. Spriggs, Job H. Scruggs vs. Virginia P. Scruggs, Elizabeth Darcy vs. Alfred E. Darcy, William Stovall vs. Martha Stovall, Elizabeth Langford vs. Joseph H. Langford.

Mr. Speaker laid before the House a copy of the proceedings of a meeting of the citizens of Russell in relation to the currency, &c; which were read and on motion of Mr. Moore of Madison, referred to the committee on State Bank and Branches.

The hour of twelve having arrived, Mr. Rice moved that the orders of the day be suspended; which was carried.

Mr. Skipper introduced a bill to organize the county of Coffee; which was read a first time and ordered to a second reading.

Mr. Whorton from the select committee, to which was referred the petition of sundry citizens of Blount and Walker counties praying that H. G. K. Shannon might be permitted to peddle in said counties, reported a bill to authorize H. G. K. Shannon to peddle in the counties of Blount and Walker; which was read the first time and ordered to a second reading.

Mr. Erwin presented the petition of Archibald S. Justice of Dale county; which was read and referred to the committee on privileges and elections.

Mr. Speaker laid before the House a communication from the Cashier of the Bank of the State of Alabama, showing the amounts paid to sixteenth sections under the act of the third February, one thousand eight hundred and forty, during the year one thousand eight hundred and forty two; which was read and referred to the committee on ways and means.

Mr. Richeson presented the petition of sundry citizens of Franklin county, praying an appropriation for removing obstructions in Big Bear

Creek in said county; which was read and referred to the committee on internal improvement.

Mr. Richeson presented the petition of sundry citizens of Franklin county, praying relief for Henry Brum; which was read and referred to the committee on propositions and grievances.

Mr. Witherspoon presented the petition of Eliza Jane Robinson and Franklin Robinson which; was read and referred to the committee on the Judiciary.

Also the petition of Patrick May and other citizens of Greene county; which was read and referred to the select committee composed of the delegation from Greene county.

Mr. Findley presented the account of John R. Coffey, Sheriff of Jackson county; which was referred to the committee on accounts.

Mr. McMillion introduced a bill to change the time of holding the county court of Jefferson county; which was read the first time and ordered to a second reading.

Mr. Douglass introduced the following resolutions:

*Resolved*, That the President of the Bank of the State of Alabama and its several Branches be requested to report to this House at as early a day as practicable, the amount of interest arising from and annually accruing to the said Banks and Branches from the surplus revenue now on deposit in the said several Banks.

*And be it further resolved*, That the said Presidents be and they are hereby required to furnish this House with a statement showing the amount paid by each of the said Banks on account of valueless sixteenth sections as required by law, exclusive of the interest paid thereto upon the capital paid in from such section.

*Resolved*, That the said Presidents furnish to the House a statement showing the amount of interest arising from the two per cent fund with the least possible delay.

Which were adopted.

Mr. English presented two petitions; which were referred to the committee on the judiciary.

Mr. English presented a petition from the citizens of township one, range three, in Limestone county; which was read and referred to the committee on education.

Mr. Oliver presented the petition from George W. Smith and other citizens of Macon county, also a petition W. B. Barnett and other citizens of Macon county; which were referred to the committee on privileges and elections.

Mr. Oliver also presented the petition of J. H. Smith and other citizens; which were referred to the committee on propositions and grievances.

Mr. Griffin presented the petition of James Childress and others; which was referred to the committee on the State Bank and Branches.

Mr. Campbell introduced a bill for the relief of Ann T. R. Wyatt; which was read the first time, the rule suspended, read a second time forthwith, and on motion of Mr. Campbell, referred to a select committee composed of the delegation from Mobile.

Mr. Rice offered the following resolutions; which was adopted:

*Resolved*, That with the concurrence of the Senate, the two Houses will convene in the Hall of the House on to-morrow at twelve o'clock, for the purpose of electing a Judge of county court for the county of Tallapoosa.

Ordered that the Clerk inform the Senate thereof, and request its concurrence.

Mr. Ware presented the account of N. A. Moore; which was presented to the committee on accounts.

Mr. Ware introduced a bill to amend an act entitled an act relating to executors and administrators; which was read the first time and ordered to a second reading.

Mr. Barron presented the petition of John L. Chambers and others; which was read and referred to a select committee composed of the delegation from Perry.

Mr. Henley introduced a bill for the relief of James Pickens; which was read a first time and ordered to a second reading.

Mr. Henley offered the following resolutions:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of remodelling the Chancery Court System, as adopted at the last session, and that they have leave to report by bill or otherwise. Which was adopted.

Mr. Moore of Perry, presented the account of William Chandler, jailer of Perry county; which was read and referred to the committee on accounts.

Mr. Smith of Pickens, presented the account of William Chalmers, which was referred to the committee on accounts.

Mr. Kidd presented the petition of G. R. Rice and other citizens of Shelby county; which was referred to a select committee composed of the delegation from Shelby.

On motion of Mr. Woodward,

*Resolved*, That the two Houses with the consent of the Senate, will convene in the Representative Hall to-morrow the ninth instant, at twelve o'clock, for the purpose of electing a Judge of the County Court for the county of Sumter.

Mr. Dortch presented the petition of J. O. Williams and others; which was referred to a select committee composed of the delegation from Sumter.

Mr. Henley introduced a bill to prevent frauds in the rights of widows.

Mr. Barclay introduced a bill to repeal the separate Chancery Court System in the State of Alabama.

Mr. Bishop introduced a bill to restrict the jurisdiction of the county courts in this State; which were severally read the first time and ordered to a second reading.

Mr. Turner presented the account of the school commissioners of township eleven, range two, west, in the county of Washington; which was referred to the committee on accounts.

Mr. Dear introduced a bill to legalize and confirm certain deeds of conveyances of *femes covert* heretofore made, also a bill to require the

Clerks of the Circuit and County Courts of the county of Wilcox, and the Register in Chancery to make out and keep reversed indexes of all causes decided in their respective counties; which were severally read the first time and ordered to a second reading.

Mr. Dear presented the petition of Thomas Mason and others, and Bennett Lankin and others; which were referred to a select committee consisting of the delegation from the counties of Wilcox and Monroe.

Mr. Watts introduced a bill to alter and amend the eighteenth section of the fourth chapter of an act regulating punishment under the Penitentiary system.

Mr. Bridges introduced a bill for the relief of certain persons therein named.

Mr. Cooper introduced a bill to extend the time for the collection of taxes in Cherokee county; which were severally read the first time and ordered to a second reading.

And then the House adjourned until to-morrow morning at ten o'clock.

FRIDAY, Dec. 9th, 1842.

The House met pursuant to adjournment.

Mr. Ware announced the arrival of his colleague, John Caffey, a member of the House of Representatives from the county of Montgomery, who appeared in the Hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Digest of Laws as prepared by C. C. Clay, Esq., which was read and referred to the committee on the judiciary.

Mr. Speaker laid before the House the record of divorce in the case of Jane Hardin and John B. Hardin; which was referred to the committee on divorce and alimony.

Mr. Abernathy presented the account of F. Snow, jailer of Benton county; which was referred to the committee on accounts.

Mr. Hill presented the petition of Jane Doss and others; which were read and referred to the committee on propositions and grievances.

Mr. Hill presented the account of Josiah H. Kennedy; which was read and referred to the committee on accounts.

Mr. Cooper introduced a bill to change the name of the county seat of Cherokee county; which was read the first time and ordered to a second reading.

Mr. Dubose presented the petition of sundry citizens of Clarke county; which was read and referred to a select committee, composed of the delegation from Marengo and Clarke counties.

Mr. Dubose also presented the petition of John Wood and others; which was referred to the same committee.

Mr. Kendrick presented the petition of Jesse Beene and M. M. Griffin; which was referred to the committee on propositions and grievances.

Mr. Kendrick introduced a bill to establish certain election precincts and abolish certain others in the county of Coosa; which was read a first time and ordered to a second reading.

Mr. Kendrick introduced a bill to extend the provisions of a certain act to the county of Coosa; which was read the first time and ordered to a second reading.



Mr. Jones of Cov., introduced a bill, to be entitled an act, to alter the time of holding the winter term of the County Court of Covington county; which was read the first time and ordered to a second reading.

Mr. Jones of Cov., introduced a bill to repeal an act therein named; which was read the first time and ordered to a second reading.

Mr. Winston of DeK., introduced certain resolutions proposing amendments to the Constitution; which were read the first time and ordered to a second reading.

Mr. Morris presented the petition of sundry citizens of Fayette county; which were read and referred to the committee on propositions and grievances.

Mr. Garland presented the account of Samuel Stephens, jailer of Franklin county; which was read and referred to the committee on accounts.

Mr. Richeson presented the petition of sundry citizens of Franklin county, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Richeson presented the account of W. W. Horton of Franklin county; which was referred to the committee on accounts.

On motion of Mr. Williams of J.:

*Resolved*, That the committee on Retrenchment, be requested to enquire into the propriety and expediency of reducing the salaries of public officers, both Bank and State, and also the propriety of reducing the number of Judicial Circuits in this State, and have leave to report, &c.

Mr. Scott presented the petition of the citizens of township four, range five, in Jackson county; which was referred to a committee composed of the delegation from Jackson.

Mr. Walker presented the account of C. C. Gewin, sheriff of Lawrence county.

Mr. Scott presented the account of Henry S. Scott, jailer of Jackson county; which was read and referred to the committee on accounts.

On motion of Mr. Walker:

*Resolved*, That a select committee be appointed to examine the accounts of the Courtland land office, since the removal of the books and papers belonging to said office, to the office of Secretary of State: whereupon Messrs. Walker, Norman and English were appointed.

Mr. Hubbard presented the petition of John Patrick; which was read and referred to the committee on propositions and grievances.

On motion of Mr. Douglass:

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of repealing such laws as are now in force, requiring the Judges of the Circuit Courts to alternate, and to report by bill or otherwise.

Mr. Pickett presented the petition of the citizens of township twelve, range four, east, in Marengo county; which was read and referred to a select committee, consisting of the delegation from Marengo.

Mr. Fletcher introduced a bill to provide for the payment of the Clerks of the several courts of this State, of money advanced by them in certain cases; which was read the first time and ordered to a second reading.

On motion of Mr. Erwin:

*Resolved*, That the committee on the Judiciary, be instructed to enquire into what cases and for what offences white females are subject to punishment by lashes, in this State, and to report a bill substituting some other punishment in all such cases.

Mr. Ware introduced a bill for the better regulation of taxing lands in this State, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Smith of P., offered the following resolution:

*Resolved*, That a select committee of one from each Judicial Circuit, be appointed to enquire into the expediency of so altering the Constitution as to have biennial sessions of the Legislature.

Which was adopted.

Mr. Murphey presented the petition of sundry citizens of Randolph county, in relation to the public lands; which was read and referred to a committee consisting of one member from each of the counties of Randolph, Cherokee and De Kalb.

Mr. Murphey presented the account of John D. Bowen; which was referred to the committee on accounts.

Mr. Murphey introduced a bill for the relief of Leah Machan; which was read the first time and ordered to a second reading.

Mr. Harris presented the petitions of sundry citizens of Russell county, praying the change of the name of Crockettville to that of Crawford; which was read and referred to a committee composed of the delegation from Russell and Chambers.

Mr. Storrs presented the petition of sundry citizens of Shelby county, in relation to an election precinct in said county; which was read and referred to the committee on privileges and elections.

Mr. Bishop introduced a bill to curtail the salaries of public officers, &c.; which was read the first time and ordered to a second reading.

Mr. Barclay offered a resolution as follows:

*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of so amending the Constitution of the State of Alabama, as to give Justices of the Peace jurisdiction of sums not exceeding two hundred dollars; also of conferring upon them the power of trying cases of a sault and batteries.

Which was adopted.

Mr. Barclay presented two petitions; which were referred to the committee on education.

Mr. Gresham presented the petition of Robert Bangle, and others; which was read and referred to the committee on the Judiciary; also the account of N. F. Sparks; which was read and referred to the committee on accounts.

Mr. Smith, of T. presented the account of Abel Poole; which was read and referred to the committee on accounts.

Mr. Smith of T. also presented a bill to retrench the expenses of the State University and for other purposes; which was read the first time and ordered to a second reading.

A message from his Excellency the Governor, by his Secretary, Mr. Harrison:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, December 9, 1842. }

*To the Speaker of the House of Representatives:*

I have the honor to lay before the House of Representatives, the Digest, as compiled by the Hon. C. C. Clay, and also the accompanying communication from the Digester to this department, in reference to the manner in which he deemed it most proper to execute the work.

(Signed )

BEN. FITZPATRICK,

Mr. Smith of T., offered the following resolutions:

*Resolved*, That the President of the Bank of this State, be requested to transmit to this House, a statement exhibiting the account of the University with the said Bank, from the establishment of the same, until this date, showing the amount of the indebtedness of the University to the Bank, and the present condition of the University fund.

*Resolved. further*, That the President of the State University, be requested to furnish this House, at his earliest convenience, a statement of the annual expenditures of the University, including all items, the annual pay of the officers, and all the incident and accruing expenses of the present year; which was adopted.

Mr. Cain presented the petition of sundry citizens of Walker county, in relation to military duty; which was referred to a select committee, composed of the delegations from Walker and Lawrence counties.

Mr. Cain introduced a bill to be entitled, an act to change the time of holding the County Court for Walker County.

Mr. Dear introduced a bill to extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox; which were severally read the first time and ordered to a second reading.

Mr. Bridges offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on Saturday next, at half past two o'clock, for the purpose of electing a Secretary of State, for the ensuing two years.

Mr. Hubbard moved to lay the resolution on the table; which was carried.

Mr. Speaker laid before the House a communication from C. C. Clay, Esq., transmitting the Digest of Laws prepared by him.

Mr. McClung moved to refer the Digest and communication to the committee on the judiciary; which was carried.

Mr. Dunn moved to take from the table the motion for the impeachment of John P. Booth, Judge of the sixth judicial circuit, made by Mr. Jackson on yesterday; which was carried.

Mr. Dunn moved that the same be committed to the committee on the judiciary, and that said committee have power to send for persons and papers; which was carried.

A message was received from the Senate by Mr. Scales:

*Mr. Speaker*—The Senate concurs in the amendments made by the House of Representatives, for the purpose of electing Judges of the County Courts of Sumter and Tallapoosa counties, and have amended

the same by striking out "to-morrow," and inserting in lieu thereof, "Tuesday," also by striking out the word "Tallapoosa;" in which the concurrence of the House is requested.

The question was taken on concurring in the amendments of the Senate, and decided in the affirmative.

Mr. Campbell moved to take from the table the bill offered by himself on yesterday, to be entitled an act for the regulation of the Branch of the Bank of the State of Alabama, at Mobile, and that the same be referred to the committee on the State Bank and Branches; which was carried.

Mr. Pettit moved to take from the table the resolution offered by him on Tuesday last, in relation to abolishing the State Bank system.

The hour of twelve having arrived, the House proceeded to the consideration of the orders of the day.

The bill to be entitled an act to repeal in part an act appropriating two hundred thousand dollars annually in aid of sixteenth sections, was read a second time.

Mr. Calhoun moved that the bill be referred to the committee on the State Bank and Branches.

Mr. Smith of L., moved that the bill be laid on the table.

The yeas and nays having been called—those who voted in the affirmative, are Messrs Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dortch, Douglass, Earle, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Jones of Con. Kennedy of L., Kennedy of M., Kidd, Lankford, Marchbanks, Martin, McLemore, McMillion, Mitchell, Morgan of A., Morgan of C., Morris, Morrison, Mundy, Murphey, Oliver, Rice, Roby, Scott, Smith of L., Storrs, Walker, Ware, Whorton, Williams of J. and Winston of DeK.

Those who voted in the negative, are Messrs. Speaker, Banks, Barron, Bothwell, Bridges, Calhoun, Campbell, Clay, Dear, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Gardner, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Jones of Cov., Kendrick, McClung, McCoy, Meriwether, Miree, Moore of M., Moore of P., Morrisett, Norman, Norris, Pettit, Pickett, Pynes, Robinson, Skipper, Smith of P., Smith of T., Tate, Turner, Watts, Williams of P., Winston of S., Witherspoon and Woodward.

The motion was lost.

The question then recurred on Mr. Calhoun's motion to refer to the committee on the State Bank and Branches; which was carried.

The bill to compensate Henry Farrer for a slave executed in pursuance of law:

The bill to repeal an act entitled an act to prevent the sacrifice of real estate, passed first January, one thousand eight hundred and forty-two; were severally read the second time, and referred to the committee on the judiciary.

The bill for the relief of William R. Bracken, was read the second time and referred to the committee on propositions and grievances.

The bill to abolish brigade encampment drills in the fourteenth brigade, third division, Alabama militia, was read the second time, and on

motion of Mr. Henley was referred to the committee on the military.

A bill to regulate and define the fees of the Judges of the county courts and for other purposes, was read the second time and referred to the committee on retrenchment.

The bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, was read the second time and referred to the committee on the judiciary.

The bill to alter the name of the town of Irwinton in Barbour county in this State, to that of "Eufaula," was read the second time and referred to a select committee consisting of the delegation from Barbour.

The bill to compensate certain persons therein named and for other purposes, was read the second time and ordered to be engrossed for a third reading.

The bill to regulate the purchase of timber for the use of roads in the county of Dallas, was read the second time and referred to a select committee composed of the delegation from Dallas.

The bill to organize the county of Coffee, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize H. G. R. Shannon of the county of Blount, to peddle in the counties of Blount and Walker, was read the second time and referred to the committee on propositions and grievances.

The bill to change the time for holding the county court for the county of Jefferson, was read the second time.

Mr. McMillion moved to amend by adding another section; which was carried.

The bill as amended was then ordered to be engrossed for a third reading.

The bill to amend an act entitled an act relating to executors and administrators, was read the second time and referred to the committee on the judiciary.

Mr. Campbell from the select committee to which was referred the bill for the relief of Anna T. R. Wyatt, reported the same back to the House without amendment, and recommended its passage. The bill was ordered to be engrossed for a third reading.

The bill for the relief of James Pickens, was read the second time and referred to the committee on propositions and grievances.

The bill to authorize clerks of courts and justices of the peace, to issue executions against plaintiffs and executors in certain cases, was read the second time and referred to the committee on the judiciary.

The bill to fix the lien of executions on property, and the bill prevent frauds on the rights of widows, were severally read the second time and referred to the committee on the judiciary.

The bill to repeal the separate chancery court system in this State, was read the second time, and the further consideration of it postponed until the fifteenth day of December.

The bill to restrict the jurisdiction of the county courts in this State was read the second time and referred to the committee on the judiciary.

And then the House adjourned until to-morrow morning ten o'clock.

SATURDAY, December 10th, 1842.

The House met pursuant to adjournment.

Mr. Morgan of A., introduced a bill to alter the mode now provided by law, for conveying convicts to the Penitentiary; which was read the first time and ordered to a second reading.

Mr. Pettit introduced a bill for the relief of Peter Eldridge, Isham C. Browder and others; which was read the first time and ordered to a second reading.

Accounts were presented by Messrs. Jackson, Martin and Watts; which were referred to the committee on accounts.

Mr. Martin presented the petition of sundry citizens of Ponton county; which was read and referred to the committee on education.

Mr. Abernathy presented the petition of sundry citizens of Benton county; which was referred to the committee on education.

Mr. Morgan of C., introduced a bill to revise an act entitled an act to provide for the more speedy trial of slaves and free persons of color, passed January seventh, one thousand eight hundred and forty-two; which was read the first time and ordered to a second reading.

Mr. McLemore presented the petition and letters of James Abercrombie; which were read.

Mr. McLemore moved to lay the petition and documents on the table and that they be printed with the bank reports; which was carried.

Mr. Jones of Cov., introduced a bill for the relief of Cynthia R. Merrieth.

Mr. Jones of G., introduced a bill for the relief of Jedediah Spencer, administrator of William Spencer, deceased; which were severally read the first time and ordered to a second reading.

Mr. Gamble introduced a bill for the relief of Frances McCoy; which was read the first time and ordered to a second reading.

Mr. Garland presented a petition; which was read and referred to the committee on the judiciary.

Mr. Gamble presented a petition; which was read and referred to the committee on propositions and grievances.

Mr. Scott presented the petition of sundry citizens of Jackson county, praying the Legislature to pass a law exempting forty acres of land from sale under execution; which was read and referred to the committee on propositions and grievances.

Mr. Hubbard introduced a bill to change the name of certain persons therein named; which was read the first time and ordered to a second reading.

Mr. Walker presented the account of Robert Fenner and Thomas B. Jones; which was referred to the committee on accounts.

Mr. Oliver presented the account of Abraham Jackson; which was referred to the committee on accounts.

Mr. Henley introduced a bill to extend the term of the circuit courts of Marengo county and for other purposes.

Mr. Rice introduced a bill concerning Judges of the county courts; which were severally read the first time and ordered to a second reading.

Mr. Caffey introduced a petition; which was read and referred to the committee on privileges and elections.

Mr. Dortch introduced a bill for the relief of Joseph Lowry and others; which was read and ordered to a second reading.

Mr. Dortch introduced a bill to amend an act entitled an act to alter the mode of assessing and collecting the tax in the county of Sumter; which was read the first time and ordered to a second reading.

Mr. Porter introduced a bill to abolish the punishment of death.

Mr. Porter introduced a bill to authorize the amendment of writs of error.

Mr. Porter introduced a bill to regulate the proceedings in the courts of law in this State.

Mr. Porter introduced a bill for the relief of Francis G. De Malemprie; which were severally read the first time and ordered to a second reading.

Mr. Dear presented a petition; which was referred to the delegation from Wilcox county.

Mr. McClung from the judiciary committee, to which was referred the petition of Joseph Wood and others, reported that the prayer of the petitioners was unreasonable, and ought to be granted; in which report the House concurred.

Mr. Harris from the select committee, to which was referred the petition of sundry citizens of Russell county, praying that the name of Crockettville be changed to that of Crawford, reported a bill to change the same; which was read the first time and ordered to a second reading.

Mr. Barron from the select committee, to which was referred the petition of the citizens of section sixteen, township seventeen, range six, reported joint resolutions in relation thereto; which was read the first time and ordered to a second reading.

Mr. Jones of G. from the select committee, to which was referred the petition of Patrick May and others, reported a bill to authorize Patrick May and others, to erect gates in a certain public road therein mentioned; which was read the first time and ordered to a second reading.

Mr. Jackson from the select committee to which was referred the petition of sundry citizens of Barbour county, praying that the name of Irwinton, in Barbour county, be changed to that of Eufaula, reported a bill to change the name of Irwinton, to that of Eufaula, back to the House without amendment, and recommended its passage; which was read the second time and ordered to be engrossed for a third reading.

Mr. Speaker laid before the House a communication from J. C. Van Drake, Comptroller, transmitting sundry accounts; which were referred to the committee on accounts.

Mr. Pettit moved to take from the table the resolution offered by him on Tuesday last, in relation to abolishing the banking system.

The yeas and nays being desired—those who voted in the affirmative

are, Messrs. Banks, Barron, Bridges, Caffey, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Erwin, Gardner, Gresham, Harris, Henley, Jackson, Jones of Con., Jones of G., Kennedy of L., Kidd, McCoy, McLemore, Mitchell, Moore of M., Morgan of C., Morrisett, Norris, Oliver, Pettit, Scott, Ware, and Watts.

Those who voted in the negative are, Messrs. Speaker, Abernathy, Barclay, Bishop, Calhoun, Campbell, Clay, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov., Kendrick, Kennedy of M., Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of P., Morgan of A., Morris, Morrison, Mundy, Murphy, Norman, Porter, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of L., Smith of P., Smith of T., Storrs, Tate, Turner, Valliant, Walker, Whorton, Williams of J., Williams of P., Winston of DeK., Winston of S., Witherspoon, and Woodward.

The motion was lost.

Mr. Smith of T., introduced the following resolutions:

Whereas, the subject of the public and foreign indebtedness of the States of this Union, has excited great interest and excitement throughout the United States, and a deep sensation in foreign countries, very much to the prejudice of the States themselves, to the General Government, and to American credit abroad. And whereas, the agitation of this subject in Congress, by many of the most distinguished members of the National legislature, has drawn the attention of the world to that body, as the source from whence is to come the payment of the State debts, and the relief of the creditors of the States. And whereas, many gigantic schemes of assuming the State debts by the General Government, in various shapes and under various names, have been, and are still in contemplation. And whereas, Alabama is one of the States so indebted, it is a proper time, and in the contemplation of this Legislature, it is deemed expedient by the Representatives of the people of the State of Alabama, in general assembly convened, to declare their opinions and sentiments fully, relative to the said subject, and the mode and the manner suggested for the payment of said State debts. Therefore—

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the State of Alabama is fully able and competent to meet her own debts and liabilities, her faith and honor pledged for the redemption of her bonds—she recognizes her great seal as binding every foot of soil belonging to her citizens. The idea of repudiation is repugnant to her; and while the lands are fertile, her sons hardy, and her Constitution free, she will ever be found ready and willing to sustain her credit abroad, and her rights at home.*

*2d. Resolved further, That while she spurns the idea of forfeiting her credit abroad, she will never consent to become tributary to the General Government. If the General Government should assume her debt by her consent, she would thereby become a debtor to the General Government, an attitude which she has never sought, and one in which she will*



never be found willingly; and she holds the principle to be true, that to force a favor upon a State, without her consent, is as much a violation of her sovereignty, as to force her to yield a right, which is reserved to her by the Constitution; and her right to reject a proffered service, is co-existent and co-extensive with her right to receive it.

3d. *Resolved further*, That she duly appreciates the connection of the States, and the relation of the States to the General Government, and she values the Union above all price, except her own sovereignty, in which is all liberty, but she has never sought to borrow money from the General Government, nor the security of the General Government upon her bonds; prizing her privileges too high, and her freedom too sacred, to become remotely indebted to a government, so near in connection, so indefinite in extent, so vague in jurisdiction, so prone to encroachment, and so grasping in power. She holds it to be the true policy of government, as well as men, rather to borrow from a stranger, than from a brother.

4th. *Resolved further*, That the assumption of State debts by the General Government, under whatever name, and under whatever pretext, would be an essential violation of the rights of the States, would operate unequally amongst the States, and would humiliate those States which are ready and willing to pay their debts, to a level with those which have repudiated their bonds.

5th. *Resolved further*, That we instruct our Senators and request our Representatives in Congress to use all liberal and energetic means to prevent the passage of any law which would compromise the rights of Alabama, by leading the world to believe that she desired, or would be willing to accept the aid of the General Government, in the payment of her debts; and that they proclaim from their high stations that the State of Alabama is able and willing to pay her debts at home and abroad, according to contract, as they become due.

6th. *Resolved further*, That the Governor be requested to transmit a copy of these resolutions and preamble to each of our Senators and Representatives in Congress, and to the Legislatures of each of the States of the Union.

The resolutions were referred to a select committee of five members. Whereupon Messrs. Smith of T. Hubbard, Winston of DeK. Dear, and Gresham, were appointed said committee.

Mr. Hill offered the following resolution—which was adopted:

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of electing Judges of the County Courts of Bibb, Wilcox, Pike and Butler counties.

The Senate having repaired to the Hall, the two Houses proceeded first to the election of a Judge of the County Court of Bibb county—*John E. Somers* and *William C. Henry* being in nomination.

Those who voted for *Mr. Henry*, are Messrs. Arrington, Brindley, Dent, Hunter, King, Oliver, Reese, Walker, and Wilson of Fayette, of the Senate; and Messrs. Abernathy, Banks, Caffey, Calhoun, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Douglass, Dunklin, Dunn, Erwin, Fletcher, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hubbard, Jackson, Jones of

Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kennedy of M. Lankford, Martin, McClung, McCoy, McLemore, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Turner, Walker, Valliant, Ware, Watts, Whorton, Winston of DeK. Winston of S. and Wither- spoon of the House.

Those who voted for *Mr. Somers*, are Messrs. President, Baylor, Creagh, Dailey, Fleming, Foster, Hall, Hudson, Jones, McConnell, McVay, Moores, Phillips, Rogers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of J. of the Senate; and Messrs. Speaker, Barclay, Barron, Bishop, Bridges, Cain, Campbell, Dorch, Dubose, Earle, English, Findley, Fowler, Gamble, Hill, Hodges, Marchbanks, McMillon, Meriwether, Morrisett, Mandy, Norman, Scott, Smith of P. Tate, Williams of J. Williams of P. and Woodward, of the House.

*Mr. Henry*, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Bibb county, for the term prescribed by the constitution.

The two Houses proceeded next to the election of a Judge of the County Court of Wilcox County—*David W. Sterrett*, alone being in nomination, and having received one hundred and twenty-five votes, being the whole number given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Wilcox, for the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the County Court of Butler county—*John P. Hudson*, alone being in nomination, and having received one hundred and twenty-six votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Butler county, for the term prescribed by the constitution.

The two Houses then proceeded to elect a Judge for the County Court of Pike county—*Charles A. Dermis*, alone being in nomination, and having received one hundred and thirteen votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Pike county, for the term prescribed by the constitution.

The Senate then withdrew and the House then proceeded to the consideration of the orders of the day.

The engrossed bill to organize the county of Coffee; was read a third time and passed.

The engrossed bill to change the time of holding the county courts for the county of Jefferson, was read the third time and passed.

Ordered that the same be sent to the Senate for its concurrence.

The engrossed bill for the relief of Anna T. R. Wyatt, was read the third time; the question was, shall the bill pass.

The yeas and nays were called—those who voted in the affirmative are, Messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham,

Dear, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Gasque, Gresham, Griffin, Harrison, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Cov., Kendrick, Kennedy of L., Kennedy of M., Lankford, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M., Moore of P., Morgan of A., Morgan of C., Morris, Morrison, Murphey, Norman, Norris, Pettit, Pickett, Pynes, Rice, Robinson, Roby, Skipper, Smith of P., Smith of T., Tate, Turner, Whorton, Walker, Ware, Watts, Williams of J., Williams of Pickens, Winston of DeK., Witherspoon, and Woodward.

Those who voted in the negative are, Messrs. Bothwell, Calhoun, Douglass, Garland, Hendrix, Hill, Hubbard, Jones of G., Marchbanks, Mundy, Richeson and Scott.—The bill passed.

Ordered, that the same be sent to the Senate for its concurrence.

The engrossed bill to compensate certain persons therein named, and for other purposes, was read a third time and passed.

Ordered, that the same be sent to the Senate for its concurrence.

Mr. Harris offered the following resolution, which was adopted:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives, at the hour of twelve o'clock, (noon,) on Monday next, for the purpose of electing a Judge of the County Court of Russell county.

Ordered, that the Clerk inform the Senate, and request its concurrence forthwith.

The House then adjourned until Monday morning, at ten o'clock.

MONDAY, December 12th, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the President of the Branch of the Bank of Alabama at Mobile, and also the report of the Commissioners appointed to examine the Planters and Merchants Bank at Mobile.

And also the report of the Cashier of the Branch of the Bank of the State of Alabama at Mobile, shewing the indebtedness of the members of the Legislature, &c.

Ordered, that the report lie on the table.

Mr. Speaker laid before the House the annual report of the Comptroller of the State; which was laid upon the table, and two hundred copies ordered to be printed.

Mr. Cain presented the report of the Commissioners of the Black Warrior river; which was laid on the table, and one hundred and fifty copies ordered to be printed.

A message was received from the Senate, by Mr. Scales.

MR. SPEAKER—I am instructed to inform your honorable body of the concurrence of the Senate, in the resolutions of the House of Representatives, proposing to go into the election of a Judge of the County Court of Russell county, on Monday, twelfth inst. at twelve o'clock.

The Senate has passed bills of the following titles:

An act to establish a tobacco inspection in the city of Wetumpka: an act, amendatory of an act therein named: an act, to amend an act entitled, an act to establish a Road Court in Mobile county—approved twenty-sev-

enth December, eighteen hundred and forty-one—in which the concurrence of your honorable body is requested.

Mr. Speaker announced the following Special Committees.

Committee on so much of the Governor's Message as relates to the act of Congress, commanding the States to adopt the District System in electing members to Congress—Messrs. Robinson, Bridges, Dunn, Walker, Pettit, Cochran, Ware, Moore of P. Banks, and Winston of S.

The committee appointed under the resolution introduced by Mr. Smith of P. providing that a select committee, consisting of one member from each Judicial Circuit, be appointed to enquire into the expediency of so altering the Constitution as to have biennial sessions of the Legislature—Messrs. Rice, Harris, Smith of L. Earle, Oliver, Bishop, Morriett, Morgan of A. Erwin and Smith of P.

The committee appointed under the joint resolutions offered by Mr. Smith of T.—Messrs. Smith of T. Hubbard, Winston of DeK. Dear and Gresham.

Mr. Morgan of A. presented a petition; which was referred to the committee on education.

Accounts were presented by Messrs. Pettit, Cochran, and Watts; which were referred to the committee on accounts.

Mr. Pettit introduced a bill to regulate the notices of Sheriffs' sales.

Mr. Cochran introduced a bill to compensate A. Crozier and Son for purchasing weights and measures for the State, under a contract with the Secretary of State; which were severally read the first time and ordered to a second reading.

Mr. McLemore presented the accounts of Richard Taylor; which was referred to the committee of accounts.

Mr. Hendrix introduced a bill to repeal in part an act to attach a part of Benton county to Talladega, and for other purposes.

Mr. Hendrix introduced a bill to establish certain precincts in the County of Cherokee; and for other purposes; which were severally read the first time and ordered to a second reading.

Mr. Cooper presented the petition of Benj G. Pollard; which was referred to the committee on roads, bridges and ferries.

Mr. Kendrick presented the petition of the citizens of township twenty, and range eighteen, in the county of Coosa; which was referred to a select committee composed of the delegation from Coosa and Autauga.

Mr. Norris introduced a bill to amend an act entitled an act for the better regulation of the State printing, and altering the mode of paying for the same, approved, February fourth, eighteen hundred and forty-one.

Mr. Winston of DeK. introduced a bill to provide for the appointment of special Registers in Chancery, in certain cases.

Mr. Jones of G., introduced a bill to amend the laws now in force in relation to insolvent estates; which were severally read the first time, and ordered to a second reading.

Mr. Walker presented the account of J. C. Vandyke; which was read and referred to the committee on accounts.

Mr. Robinson introduced a bill to incorporate the Huntsville Mechanics' Benevolent Association.

Mr. Campbell introduced a bill to prohibit the raising of money by lotteries.

Mr. Moore of P., introduced a bill in relation to the estates of deceased persons.

Mr. Harris introduced a bill to authorize Thomas S. Tate, of Russel county to administer upon the estate of Jeremiah Walker, late of Cherokee county, deceased, in said county of Russell.

Mr. Dortch introduced a bill for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes.

Mr. Porter introduced a bill to authorize the signing and sealing of bills of exceptions in criminal cases; which were severally read the first time and ordered to a second reading.

Message from the Senate, by Mr. Scales.

MR. SPEAKER:—The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives both Houses will assemble in the Hall of the House on Tuesday thirteenth inst., at twelve o'clock, noon, and go into the election of Secretary of State to fill the vacancy occasioned by the expiration of the term of service of Wm. Garrett, in which the concurrence of the House is requested.

Mr. Smith of T., introduced a bill for the relief of Sarah T. Switzer and Sarah P. Atkins; which was read and ordered to a second reading.

Mr. Cain presented a petition, which was referred to the committee on education.

Mr. Dear introduced a bill to change the time of holding general elections in this State; which was read a first time and ordered to a second reading.

The hour of twelve having arrived, the House proceeded to the consideration of the special order of the day, being the resolutions offered by Mr. Clay on Wednesday last.

Mr. Jones of G., moved that the resolutions be indefinitely postponed.

The yeas and nays were demanded—

YEAS—Messrs. Banks, Barron, Crowder, Cunningham, Dunn, Harris, Henley, Jackson, Jones of Conecuh, Jones of G., Kidd, McCoy, McLe-more, Mitchell, Morgan of C., Norris, Oliver, Pickett, Smith of T., Storrs, Ware, Watts, Witherspoon.

NAYS—Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Dear, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Kendrick, Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Mirce, Moore of M. Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

The question then recurred upon the adoption of the resolutions.

YEAS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Dear, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley,

Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphy, Norman, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—Messrs. Barron, Crowder, Cunningham, Dunn, Harris, Henley, Jackson, Jones of Con. Jones of G. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett, Ware, Watts and Witherspoon.

On motion of Mr. Harris:

*Resolved*, That the Senate be now invited to repair to the Hall of the House, for the purpose of electing a Judge of the county court of the county of Russell.

The Senate repaired to the Hall of the House of Representatives.

The two Houses then proceeded to the election of a Judge of the county court for Russell county—*Ulysses Lewis*, *Pierce L. Lewis*, and *John B. Tate*, being in nomination.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton. Watkins and Watrous, of the Senate; and Messrs. Banks, Barclay, Bridges, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dunn, Earle, English, Erwin, Gardner, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Valliant, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs. Bayler, Brindley, Creagh, Hall, Hudson, Jones, McConnell, Toulmin, Walker, Walthall, and Wilson of J. of the Senate; and Messrs. Speaker, Barclay, Bishop, Bothwell, Caffey, Cain, Clay, Dortch, Douglass, Dubose, Dunklin, Fudley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, Moore of P. Morgan of A. Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward, of the House of Representatives.

Those who voted for *Mr. Tate*, are Messrs. Dailey and Wilson of F., of the Senate; and Messrs. Abernathy, Calhoun, Garland, Meriwether, and Morris, of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips,

Reese, Ross, Thornton, Walthall, Watkins and Watrous, of the Senate; and Messrs. Banks, Barron, Cain, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McConnell, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J. of the Senate; and Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Calhoun, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

Those who voted for *Mr. Tute*, are Messrs. Dailey of the Senate; and Messrs. Garland of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a third time.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dailey, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walthall and Watrous of the Senate; and Messrs. Banks, Barron, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Garland, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of Mad. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McConnell, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J. of the Senate; and Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Cain, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a fourth time.

Those who voted *Ulysses Lewis*, are messrs. President, Arrington, Buford, Dailey, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins and Watrous of the

Senate; and messrs. Banks, Barron, Cain, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Garland, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of mad. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts and Witherspoon of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McAllister, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Kennedy of M. Kendrick, Lankford, Marchbanks, Martin, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

*Ulysses Lewis* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Russell county for the term prescribed by the constitution.

The Senate then withdrew—and on motion of Mr. Moore of M.

*Resolved*, That the use of this Hall be granted to the Agricultural Society of the State of Alabama, for the purpose of holding their annual meeting, on this evening, at the hour of seven o'clock.

Mr. Hubbard offered the following resolution:

*Resolved*, That a select committee be appointed to prepare a memorial to the Congress of the United States asking a reduction of the price of public lands within this State, which have heretofore been offered for sale and remain unsold.

Which was adopted.

Whereupon messrs. Hubbard, Douglass, Findley, Marchbanks, Morgan of C. Henderson and Oliver were appointed said committee.

Mr. Dortch moved that the House do now adjourn until to-morrow morning at ten o'clock.

The yeas and nays were demanded—those who voted in the affirmative, are messrs. Calhoun, Dortch, Douglass, Dunn, English, Harris, Harrison, Henley, Jackson, Jones of Con. Jones of Cov. Jones of G. Kennedy of L. Kidd, Meriwether, Mitchell, Morgan of A. Pettit, Morrisett, Robinson, Scott, Storrs, Winston of S. and Woodward.

Those who voted in the negative, are messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Dunklin, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Hendrix, Hill, Hodges, Hubbard, Kennedy of M. Lankford, Marchbanks, McClung, McCoy, McLemore, McMillion, Miree, Moore of M. Moore of P. Moore of C. Morris, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pickett, Porter, Pynes, Rice, Richeson,



Roby, Skipper, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Ware, Watts, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

The House refused to adjourn.

Mr. Cooper called up from the orders of the day, a bill to extend the time for the collection of taxes in Cherokee county. The bill was read a second time.

Mr. Henley moved that the constitutional rule be suspended, and that the bill be read a third time forthwith; which was carried. The bill was read a third time and passed.

Ordered, that the same be sent to the Senate for its concurrence, and then the House adjourned until to-morrow at ten o'clock.

TUESDAY, December 13, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from Basil Manly, President of the University; which was read and laid on the table.

Mr. Speaker laid before the House a letter from B. Manly, President of the University, inviting the members of the House to attend the annual commencement at the University; which was also read and laid on the table.

Mr. Hill presented the petition of Sarah Pratt; which was read and referred to the committee on the judiciary.

Mr. Cooper introduced a bill for the relief of the representatives of David H. Burke, deceased, late of Mobile.

Mr. Garland introduced a bill to regulate the assessing and collecting of taxes in Franklin county.

Mr. Findley introduced a bill to establish a certain precinct therein named.

Mr. Mundy introduced a bill extending to the county of Jackson the provisions of certain acts therein named.

Mr. Fletcher introduced a bill relative to justices courts in the county of Marshall.

Mr. Griffin introduced a bill to reduce the number of company musters required to be holden per annum, and prescribe the time for holding company courts' martial.

Mr. Barron introduced a bill to amend the laws in relation to insolvent estates.

Mr. Harris introduced a bill to authorize Thomas S. Tate to hold the office of circuit and county clerk of Russell at the same time.

Which were severally read the first time and ordered to a second reading.

Mr. Cain presented the petition of Richard Chilton and others; which was read and referred to the committee on education.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of John Patrick, reported that the prayer of the petitioner to retail spirituous liquors without license, was unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Moore of M. from the same committee, to which was referred the petition of sundry citizens of Fayette county, praying the legislature to annul and make void the contract for the sale of section sixteen, in range fifteen, township sixteen, in said county, reported that it would be inexpedient to legislate upon the subject, as prayed for in the petition, as it would be in violation of the constitution and laws regulating contracts; in which report the House concurred.

Mr. Moore of M. from the same committee, to which was referred the bill for the relief of William R. Bracken, reported the same back to the House and recommended its passage.

The bill was read the second time and ordered to be engrossed for a third reading.

Mr. Moore of M. from the same committee, to which was referred the petition of Jane Doss, reported a bill for the relief of Jane Doss; which was read the first time and ordered to a second reading.

Mr. Moore of M. from the same committee, to which was referred the petition of Henry Brum, of Franklin county, praying that the said Brum might have the liberty of keeping a public house and retail spirituous liquors free of taxation, and to relieve his property from taxation, reported that the exclusive privilege asked was improper and ought not to be granted; in which report the House concurred.

Mr. Moore of M. from the same committee, to which was referred the petition of Frances McCoy and her husband Joseph McCoy, praying the legislature to confer upon the said Frances McCoy all the rights and privileges of a *feme sole*, reported that the prayer of the petitioners ought not to be granted.

Mr. Pettit moved that the report be laid upon the table; which was carried.

Mr. Moore of M. from the same committee, to which was referred the bill for the relief of James Pickens, reported the same back to the House without amendment, and recommended its passage.

The bill was read the second time and ordered to be engrossed for a third reading.

Mr. Moore of M. from the same committee, to which was referred the bill to authorize H. G. K. Shannon, of the county of Blount, to peddle in the counties of Blount and Walker, reported the bill back to the House and recommended its passage.

Mr. McClung moved to amend by additional proviso; which was carried.

Mr. Winston of DeK. moved to refer the bill and amendments to the committee on ways and means; which was carried.

Mr. McClung, from the committee on the judiciary, to which was referred the petition of John Jackson, charging the Hon. John P. Booth, Judge of the sixth judicial circuit, with official misconduct, reported that they have had the subject under consideration, and have made a partial examination of the witnesses present; that they are informed that certain documentary and record evidence will be material in the investigation with which they are charged, and that there are several important witnesses in the case who reside in a remote part of the State. That

with the view of procuring said testimony, and causing said witnesses to be summoned, the committee have deemed it proper to appoint a suitable agent to proceed to the different places of holding the courts where said misconduct is alledged to have taken place, and obtain the necessary transcripts, properly authenticated, and to summon said witnesses. That they have accordingly appointed Mr. Stephen Sparks such agent; and respectfully ask the concurrence of the House therein.

The committee also recommend the adoption of the following resolution:

*Resolved*, That the Speaker of the House of Representatives issue such subpoenas as may be necessary, returnable instanter, directed to the said Stephen Sparks, and that the said Sparks be authorized to serve the same. The report was concurred in, and the resolution adopted.

Mr. Jones of Greene, from the committee on accounts, to whom was referred sundry accounts, reported the same back to the House, as not properly authenticated.

Ordered, that the members who introduced said accounts have leave to withdraw them.

Mr. Jones of G., from the same committee to which was referred the petition of John W. Jennings and others, commissioners of schools in township eleven of range two west, in Washington county, reported that the prayer of the petitioners ought not to be granted; in which report the House concurred.

Mr. Jones of Greene, from the same committee, to which was referred the account of James Crow, reported that the account was not properly chargeable to the State, and that the same was not properly authenticated.

Mr. Cochran moved that the report lie on the table, and that he have leave to withdraw the account; which was carried.

Mr. Jones of Greene, from the same committee, to which was referred the account of N. A. Moore, and the accompanying petition of Wm. G. Jackson and others, reported that the account was not one which the State ought to pay, and is not authenticated according to law.

Ordered, that the report lie on the table.

Mr. Norris, from the committee on divorce and alimony, to which was referred the record and decree of the Chancery Court divorcing Benjamin Gleadall from his wife Ellen Gleadall, reported a bill to divorce B. Gleadall from his wife E. Gleadall; which was read the first time and ordered to a second reading.

Mr. Ware, from the committee on internal improvement, to which was referred the petition of sundry citizens asking an appropriation to remove the obstructions from Big Bear Creek, reported that from the embarrassed condition of our monetary affairs it is not expedient to grant the prayer of the petitioners, and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Walker, from the committee on privileges and elections, to whom was referred the memorial of A. S. Justice, reported that they have had the same under consideration, and that they have instructed him to report the same back to the House, and recommend that the prayer of the petitioner be granted so far as to allow the said Justice to proceed to take

depositions of witnesses touching the allegations contained in the memorial, as though he had given the notice required by law in cases of contested elections; in which report the House concurred.

Mr. Cooper, from the committee on divorce and alimony, to which was referred the record and decree of the Chancery Court, in the case of Jane Hardin against John B. Hardin, reported a bill to divorce Jane Hardin from her husband John B. Hardin; which was read a first time and ordered to a second reading.

Mr. Cooper, from the same committee, to which was referred the record and decree of the Chancery Court of Mobile county, in the case of Jane S. Wheeler against Charles J. Wheeler, reported a bill to divorce Jane S. Wheeler from her husband Charles J. Wheeler; which was read the first time and ordered to a second reading.

Mr. Calhoun moved to suspend the further consideration of the morning business, for the purpose of taking up the resolution of the Senate proposing to go into the election of a Secretary of State, on this day, Tuesday, at twelve o'clock (noon).

The motion was carried, and the resolution of the Senate concurred in.

Mr. Norris, from the select committee to which was referred the bill to regulate the purchase of timber for the use of roads in the county of Dallas, reported the same back to the House with an amendment.

The amendment was adopted.

Mr. Bridges moved to refer the bill to a select committee composed of the delegation from Wilcox and Dallas counties; which was carried.

Mr. Kidd, from the select committee to which was referred the petition of sundry citizens from the county of Shelby, reported a bill fixing the time of holding Justices' courts in said county, and to establish Jury trials in said county; which was read a first time and ordered to a second reading.

Mr. Barclay, from the select committee, to which was referred the petition of sundry citizens of Talladega and Benton counties, praying that the line between said counties might be changed; reported a bill to change the line between said counties; which was read the first time and ordered to a second reading.

Mr. Dear, from the select committee, to which was referred the petition of Bennett Lampkin and others, reported a bill to appropriate to Thomas Bruce, his expenses; which was read the first time and ordered to a second reading.

Mr. Kendrick, from the select committee to which was referred the petition of the citizens of township twenty, range eighteen, in the county of Coosa, together with the petition of John Springer of Autauga, reported joint resolutions in relation to section sixteen, township twenty, range eighteen; which were read the first time and ordered to a second reading.

Mr. Ware offered the following resolution:

*Resolved*, That from and after the fifteenth day of the present month, the House of Representatives will meet at half past nine o'clock, A. M., and continue in session until half past one, P. M. which shall be imperative, unless otherwise ordered by three-fourths of the members present; which under the rule, lies over one day.

Mr. Williams of J. offered the following resolution:

Whereas, it is very probable that one or more of the Branch Banks of our State will be put into liquidation at the present session of the General Assembly; and that the issues of those Banks, so fast as paid into any of them, cancelled, from which circumstance the circulation of the State, will in a short time, be reduced to a very small amount, consequently a portion of the debts due those Banks will have to be paid out of the produce of the country at a specie valuation: Therefore,

*Resolved*, That the committee on the State Bank and Branches, be required to enquire into the expediency, as to amending the law on extended debts, as to authorize Bank debtors to pay twenty per cent. per annum, on the amount now due those Banks, at the rate of eight per cent. per annum, payable in advance, on the whole amount, redeemable once a year (instead of semi-annually or four months as heretofore) amply secured to the satisfaction of the Board of Directors of the respective Banks.

Which was adopted.

Mr. Hubbard presented a petition, which was referred to the committee on the Judiciary.

Mr. Erwin introduced a bill to extend the time for collecting the county school and road tax in the county of Mobile; which was read the first time and ordered to a second reading.

Mr. Ware offered the following resolution:

Whereas, different opinions are entertained in relation to the time of taxing the lands in the late Creek Territory; and whereas, the Judges of the several counties and Commissioners of Roads and Revenues, lying in said territory, have no uniformity of action on the subject: Therefore,

*Resolved*, That a select committee be appointed; consisting of one member from each county, composing said territory, whose duty it shall be to take the whole subject under consideration, and have leave to report by bill or otherwise; which was adopted.

Whereupon, Messrs Cochran, Barclay, Murphey, Morgan, Kendrick, Gresham, Oliver, Jackson and Harris, were appointed said committee.

On motion of Mr. Woodward:

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of going into the election of a Judge of the County Court of Sumter county, and also of a Secretary of State.

The Senate repaired to the Hall of the House—

The two Houses first proceeded to the election of a Judge of the County Court of Sumter county—*Messrs. William E. Clarke, Gideon B. Frierson, George F. Sallee, Henry F. Scruggs, and Pleasant P. Tannehill*, were put in nomination.

Those who voted for *Mr. Clarke*, are messrs. Rodgers and Walthall of the Senate; and messrs. Clay, Miree, Moore of P., and Robinson, of the House—6.

Those who voted for *Mr. Frierson*, are messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Foster, Hall, Hudson, Jones, McClanahan, McConnell, McVay, Reese, Ross, Toulmin, Walker, and Wilson of F. of the Senate; and messrs. Speaker, Abernathy, Banks, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Dortch, Dou-

glass, Dubose, Dunklin, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Harris, Henderson, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McMillion, Meriwether, Morgan of A., Morris, Morrison, Murphey, Norman, Pettit, Pynes, Richeson, Skipper, Smith of L., Smith of P., Smith of T., Turner, Valiant, Walker, Ware, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon, and Woodward of the House—80.

Those who voted for *Mr. Sallee*, are messrs. Watkins of the Senate; and messrs. Erwin and Morrisett of the House—3.

Those who voted for *Mr. Scruggs*, are messrs. Arrington, Buford, Fleming, Hunter, King, Oliver, Phillips, Thornton, Watrous and Wilson of J. of the Senate; and messrs. Barclay, Barron, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Findley, Griffin, Henley, Jones of Con., Jones of G. Martin, McCoy, McLemore, Mitchell, Moore of M. Morgan of C. Mundy, Norris, Oliver, Pickett, Rice, Roby, Scott, Storrs, Tate, Watts, and Williams of J. of the House—41.

*Mr. Gideon B. Frierson* having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Sumter county, for the term prescribed by the constitution.

The two houses proceeded next to elect a Secretary of State—*Wm. Garrett* alone being in nomination, and having received one hundred and twenty-seven votes, being the whole number given. Mr. Speaker, declared him duly elected for the term prescribed by the constitution.

The Senate then withdrew, and the House proceeded to the consideration of the orders of the day.

The engrossed bill to change the name of Irwinton in Barbour county in this State, to that of "Eufaula;" was read the third time and passed.

The bill to legalize and confirm certain deeds of conveyance of *femes covert* heretofore made, was read the second time, and on motion of Mr. Dear, referred to the committee on the judiciary.

The bill to require the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all cases decided in their respective courts, was read the second time.

Mr. Bridges moved to strike out the word require, and insert in lieu thereof, "authorized;" which was carried.

The bill as amended, was ordered to be engrossed for a third reading.

A bill for the relief of certain persons therein named, was read the second time.

Mr. Rice moved to postpone the bill indefinitely; which was lost—yeas 40, nays 57.

Those who voted in the affirmative, are Messrs. Banks, Barclay, Barron, Bishop, Calhoun, Campbell, Douglass, Dubose, English, Findley, Fletcher, Fowler, Gardner, Garland, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Marchbanks, McCoy,

Meriwether, Morris, Mundy, Norman, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of P. Valliant, Walker, Ware, Williams of P. Witherspoon and Woodward.

Those who voted in the negative, are Messrs. Speaker, Abernathy, Bothwell, Bridges, Caffey, Cain, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dunklin, Dunn, Erwin, Gamble, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Henley, Hodges, Jackson, Jones of Con. Jones of G. Kidd, Lankford, Martin, McClung, McLemore, McMillion, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Robinson, Storrs, Tate, Turner, Watts, Whorton, Williams of J. Winston of DeK. and Winston of S.

The bill was then ordered to be engrossed for a third reading.

Mr. McClung moved that the House do now adjourn until Thursday morning at eleven o'clock. The yeas and nays were demanded.

YEAS—Messrs. Speaker, Banks, Calhoun, Clay, Cochran, Crowder, Douglass, Dunklin, Dunn, English, Fletcher, Gamble, Gasque, Gresham, Harris, Harrison, Henderson, Henley, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, Miree, Moore of M. Moore of P. Morgan of A. Morgan of C. Murphey, Norman, Pickett, Roby, Scott, Storrs, Tate, Turner, Valliant, Walker, Watts, Winston of S. and Witherspoon.

These who voted in the negative, are Messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Cooper, Cunningham, Dear, Dubose, Erwin, Findley, Fowler, Gardner, Garland, Griffin, Hendrix, Hill, Jones of Con. Jones of G. Kennedy of M. Marchbanks, McLemore, McMillion, Meriwether, Mitchell, Morris, Morrisett, Morrison, Mundy, Norris, Pettit, Pynes, Rice, Richeson, Robinson, Skipper, Smith of P. Smith of T. Ware, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

The House refused to adjourn.

On motion of Mr. Kidd.

*Resolved*, That when this House adjourns to-day, it does so until Thursday morning ten o'clock, to afford the members of the House an opportunity to attend the Annual Commencement exercises of the University of Alabama.

Mr. Winston of S. called up the bill to amend an act to alter the mode of assessing and collecting the taxes of the county of Sumter.

The bill was read a second time and ordered to be engrossed for a third reading.

Mr. Bishop called up the bill to define the salaries of certain public officers therein named.

And then the House adjourned until Thursday morning, at ten o'clock.

THURSDAY, Dec. 15th, 1842.

The House met pursuant to adjournment.

On motion of Mr. Woodward, Mr. Fowler was added to the committee on roads, bridges and ferries.

Mr. Speaker laid before the House the annual report of S. G. Frier-son, Treasurer of the State ; which was laid on the table, and a hundred and ten copies ordered to be printed.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Branch of the Bank of the State of Alabama at Huntsville.

Mr. Pettit introduced a bill to establish an election precinct in the county of Barbour; which was read the first time and ordered to a second reading.

Mr. Pettit moved to take from the table the petition of Seth Mabry and others; which was carried.

On motion of Mr. Pettit, the petition was referred to the committee on the military.

Messrs. Whorton and Fowler presented petitions; which were referred to the committee on roads, bridges and ferries.

Mr. Hendrix presented the account of Thomas Warner; which was referred to the committee on accounts.

Mr. Lankford introduced a bill to compel the Banks of this State, to commence suits against their debtors in the county in which the debtors reside; which was read the first time and ordered to a second reading.

Mr. Norman presented a petition; which was referred to the committee on the judiciary.

Mr. Pynes introduced a bill to incorporate the Columbia Male and Female Institute in Henry county.

Mr. Williams of J. introduced a bill to prevent the sacrifice of property, either real or personal, under sale by execution.

Mr. Robinson introduced a bill to fix the rate of interest.

Mr. Robinson introduced a bill to prevent usury, and for other purposes

Mr. Henley introduced a bill for the relief of certain persons therein named.

Mr Griffin introduced a bill to amend an act entitled an to incorporate the town of Warrenton in the county of Marshall; which were severally read the first time and ordered to a second reading

Mr. Ware introduced a bill to amend the charter of the city of Montgomery, and also a petition—the petition was laid on the table; the bill was read the first time and ordered to a second reading.

Mr. Barron presented a petition, which was referred to the delegation from Perry.

Mr. Woodward introduced a bill to authorize the commissioners court of roads and revenue of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of provisions therein named.

Mr. Porter introduced a bill to provide more effectually for the correction of errors in trials at law; which was read the first time and ordered to a second reading,

Mr. Norris, from the committee on divorce and alimony, reported a



bill to divorce Caroline Richie from her husband Anthony Ritchie; which was read the first time and ordered to a second reading.

Mr. Norris, from the same committee, reported a bill to divorce Job H. Scruggs from his wife Virginia Scruggs; which was read the first time and ordered to a second reading.

Mr. Norris, from the same committee, reported a bill to divorce Harriet Spriggs from her husband Erastus L. Spriggs; which was read the first time and ordered to a second reading.

Mr. Cooper, from the committee on divorce and alimony, reported a bill to divorce certain persons therein named; which was read the first time and ordered to a second reading.

Mr. Campbell, from the committee on the State Bank and Branches made the following report:

The committee on the State Bank and Branches, to whom was referred that portion of the Governor's message that relates to the Planters and Merchants Bank at Mobile have had the same under consideration and have instructed me to report—

That the Planters and Merchants Bank at Mobile did, on the twenty-fifth October last, suspend the payment of specie on its bills, and did refuse to pay the claims of its depositors, according to the terms of its contract with them.

Your committee find by reference to the reports, that this suspension was not occasioned by any sudden panic in the community in regard to its condition, or any casual withdrawal of confidence, but that the bank has not been able, since eighteen hundred and thirty-seven, to pay its immediate liabilities. That the failure at this time is owing to the magnitude of the debt that it at that time contracted; that the payment of the debt due by the bank has been delayed by the ordinary expedients of using the funds of the depositors of one day to meet the engagements of those of one prior, and that the use of post notes, from time to time, has enabled the bank to procrastinate the day of payment.

Your committee find the debt of the bank greatly reduced since eighteen hundred and thirty-seven, but that at this time it is too large for them to indulge the expectation that a resumption of specie payments can take place.

Under this opinion, your committee have recommended that the franchise of banking should be withdrawn, and the bank placed in a condition for liquidation and settlement.

The committee have prepared the bill which accompanies this report under the sixth rule of the first section of the article in the constitution, entitled "establishment of banks." By that section the power is conferred upon the General Assembly to protect and secure the rights of all persons interested in any bank suspending specie payments without the sanction of the General Assembly, and to declare the charter forfeited.

The bill provides for the appointment of commissioners, and clothes them with the powers necessary to a collection of debts and the disposition of real estate.

These functions are to continue until the payment of the debts of the institution, the powers and name of the bank to be employed for these

purposes are also continued. This your committee thought to be due to the creditors of the bank.

The bill for the final settlement of the affairs of Planters and Merchants Bank of Mobile was read the first time.

Mr. Calhoun moved to suspend the constitutional rule and give the bill a second reading forthwith; which was carried.

The bill was read the second time.

A message from the Senate, by Mr. Scales.

Mr. Speaker—The Senate has adopted the joint resolutions in relation to the fine imposed on General Andrew Jackson, by the Judge of the United States Court for the State of Louisiana, which originated in the House of Representatives.

Ordered that the message lie on the table.

Mr. McClung, from the judiciary committee, to which was referred a bill to compensate Henry Farrar for a slave executed in pursuance of law, reported the same back to the House without amendment and recommended its passage.

The bill was read the second time and ordered to be engrossed for a third reading.

Mr. McClung, from the judiciary committee, to which was referred the petition of Absalom Pratt and Sarah Pratt, reported that it is not within the constitutional powers of the legislature to pass any law which would accomplish the wishes of the petitioners; in which the House concurred.

Mr. McClung, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of so amending the constitution as to give justices of the peace jurisdiction of sums not exceeding one hundred dollars, and also of conferring upon them the power of trying cases of assault and batteries, reported that it is inexpedient to have any legislative action upon the subject.

On motion of Mr. Griffin, the report and resolution were laid upon the table.

Mr. Henley, from the select committee, to which was referred the petition of Robert Brumpass, jr. and others, reported a bill to authorize the commissioners of the sixteenth section, township seven, range two, east, in the St. Stephens land district, to rescind a certain contract therein described; which was read the first time and ordered to a second reading.

Mr. Henley from the select committee to which was referred the petition of J. Woods and others, of Clarke county, reported a bill to extend the time for the removal of certain slaves emancipated by a decree of the county court of Clarke county; which was read the first time and ordered to a second reading.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

An act to amend an act entitled an act to establish a road court in Mobile county:

An act to revive an act entitled an act to incorporate the town of Fairfield, in the county of Pickens:

An act to extend the provisions of an act, approved December thirty-first, one thousand eight hundred and forty-one, entitled an act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein to the counties of Pike and Butler:

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House, on Monday next, nineteenth instant, for the purpose of electing a Senator to the Congress of the United States.

The bill from the Senate to establish a tobacco inspection in the city of Wetumpka.

The bill amendatory to an act therein named.

The bill to amend an act entitled an act to establish a road court in Mobile county, approved twenty-seventh December, one thousand eight hundred and forty-one.

The bill to revive an act entitled an act to incorporate the town of Fairfield, in the county of Pickens.

The bill to extend the provisions of an act approved thirty-first December, one thousand eight hundred and forty-one, entitled an act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein to the counties of Pike and Butler, were severally read the first time and ordered to a second reading.

The resolution from the Senate proposing to go into the election of a Senator on Monday next, being under consideration.

Mr. Valliant moved to lay the resolution on the table; the motion was lost.—yeas 31, nays 63.

YEAS—messrs. Banks, Barclay, Barron, Bridges, Calhoun, Cooper, Crowder, Cunningham, Dear, Dunn, Griffin, Harris, Henley, Jones of G. Kennedy of L. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Morrison, Norman, Norris, Oliver, Porter, Rice, Robinson, Storrs, Valliant, Ware, and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Bishop, Bothwell, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Con. Jones of Cov. Kendrick, Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A., Morris, Mundy, Murphey, Pettit, Pynes, Richeson, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

The resolution of the Senate was concurred in.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has adopted joint resolutions in relation to the territory ceded to the United States, by the Creek Indians, in which the concurrence of the House is requested.

The joint resolutions from the Senate was read and adopted.

Ordered, that the message lie on the table.

Mr. Kennedy of L. introduced a joint memorial in regard to the Muscle Shoals Canal in the county of Lauderdale; which was read and referred to a select committee composed of the counties of Jackson, Marshall, Madison, Morgan, Limestone, Lawrence, Franklin, Lauderdale, and De Kalb.

On motion of Mr. Moore of Perry,

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House at twelve o'clock, on Monday next, for the purpose of electing a Judge of the county court for the county of Perry.

Mr. Bridges from the select committee to which was referred the bill to regulate the purchase of timber for the use of roads in the county of Dallas, reported the bill back to the House and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Ware called up the resolution offered by him on yesterday, proposing to have afternoon sessions.

Mr. Pettit moved to lay the resolution on the table.

The hour of twelve having arrived, the House proceeded to the consideration of the orders of the day.

The engrossed bill to amend an act to alter the mode of assessing and collecting taxes in the county of Sumter.

The engrossed bill to authorize the clerks of the circuit and county courts of Wilcox county, and the register in chancery, to make out and keep reversed indexes of all cases decided in their respective courts.

The engrossed bill for the relief of a certain person therein named.

The engrossed bill for the relief of William R. Bracken.

The engrossed bill for the relief of James Pickens, were severally read the third time and passed.

The bill to change the name of the county seat of Cherokee county, was read the second time and ordered to be engrossed for a third reading.

The bill to extend the provisions of a certain act to the county of Coosa, was read a second time.

Mr. Gamble moved to amend by an additional section; which was carried.

The bill as amended was ordered to be engrossed for a third reading.

The bill to alter the time of holding the winter term of the county court of Covington county, was read the second time and ordered to be engrossed for a third reading.

The joint resolutions proposing amendments to the Constitution, were read the second time.

Mr. Bridges moved to refer the joint resolutions to a select committee, with instructions to report a substitute joint resolutions proposing to call a convention for the purpose of forming and ordaining a constitution for the people of the State of Alabama.

Mr. Douglass moved to refer the bill to the committee on the judiciary; which was lost.

The question then recurred on Mr. Bridges' motion; which was lost. Yeas 8—Nays 89.

YEAS—messrs. Bridges, Calhoun, Cooper, Cunningham, Dear, Kendrick, Morgan of A. and Ware.

NAYS—messrs. Speaker, Banks, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Campbell, Clay, Cochran, Crowder, Douglass, Dubose, Dunklin, Dunn, English, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

Mr. Ware moved to strike out "two," where it occurs in the resolution, and insert in lieu thereof "one;" which was carried.

The question then recurred on ordering the bill to be engrossed for a third reading.

Mr. Watts called for a division of the question; which was first taken on the first portion of the resolutions to the word "hundred" inclusive.

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Douglass, Dunklin, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov., Kendrick, Kennedy of L., Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McMillion, Miree, Moore of M. Morgan of A. Morris, Morrison, Mundy, Norris, Pickett, Pynes, Richeson, Scott, Skipper, Smith of P. Storrs, Tate, Turner, Valliant, Walker, Ware, Whorton, Williams of J. Williams of Pickens, Winston of DeK. Winston of S. Witherspoon, and Woodward.

NAYS—messrs. Banks, Bridges, Caffey, Cochran, Dunn, English, Gresham, Henley, Jackson, Jones of G. McClung, McCoy, McLemore, Meriwether, Mitchell, Moore of P. Morgan of C. Morrisett, Murphey, Norman, Oliver, Pettit, Porter, Rice, Robinson, Smith of T. and Watts.

The first part of the resolution was ordered to be engrossed.

The question was then taken on the latter part of the resolution.

YEAS—Messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pickett, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Wil-

liams of J. Williams of P. Winston of DeK. Witherspoon, and Woodward—79.

NAYS—Messrs. Banks, Bridges, Douglass, Dunklin, Dunn, English, Jackson, Jones of G. Kennedy of L. Meriwether, Moore of M. Morgan of C., Norman, Pettit, Porter, Robinson, and Winston of S.—17.

The latter part of the resolution was ordered to be engrossed.

The bill to alter and amend the eighteenth section of the fourth chapter, of an act, entitled an act, regulating punishments under the penitentiary system, was read the second time, and on motion of Mr. Smith of P. referred to the committee on the judiciary.

The bill to repeal an act therein named, was read the second time and ordered to be engrossed for a third reading.

The bill for the better regulation of taxing lands in this State and for other purposes; was read the second time and referred to the committee of ways and means.

The bill to repeal the separate Chancery Court system in this State, was read the second time and referred to the committee on the judiciary.

Mr. Speaker laid before the House the report of the President of the Branch Bank at Huntsville, the annual report of the Cashier, and a statement of the minutes of the board; which was ordered to lie on the table.

The committee appointed under the joint resolutions offered by Mr. Kennedy of L. to day, is composed of Messrs. Kennedy of L. Mundy, Moore, Roby, Tate, Valliant, Norman, and Lankford.

And the House adjourned till to-morrow morning, ten o'clock.

FRIDAY, December 16, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from Wm. Hawn, Cashier of the Bank of Alabama; which was read and referred to the committee on the State Bank and Branches.

Mr. Speaker laid before the House a communication from J. C. Vandyke, Comptroller of the State, transmitting the report of Samuel A. Hale, the commissioner appointed to examine the affairs of the Alabama Life Insurance and Trust Company at Mobile; which was laid on the table.

Mr. Speaker also laid before the House a communication from J. C. Vandyke, Comptroller, as follows:

*Hon. John Erwin, Speaker of the House of Representatives*—Sir, I herewith lay before the General Assembly, the accounts and claims of the following persons, viz:—Edwin G. Thornton, Willis Kellam, Levi J. Gallaway, Jesse M. Lewis, Wm. Nuller, A. C. Matthews, J. A. C. Epton, Henry I. Scott, Thomas De Wolf, Estate of Francis M. Smith, James J. Cade, A. Dun, J. J. Lewis, Thomas Ballard, James M. Crosby, Josiah L. Kennedy, L. Robertson, Lafayette Robinson, N. F. Sparks, Samuel Stephens, Signal M. Smith, P. B. Waters, John D. Bowen, John

R. Caffey, William Chandler. F. Snow, Abel Poole, Wm. Chalmers, Hugh P. Caffey, Abraham Birdwell, and Zachariah Kimmanner.

All of which is respectfully submitted.

(Signed,)

J. C. VAN DYKE,  
Comptroller of Public Accounts.

Ordered, that the communication and accounts be referred to the committee on accounts.

Mr. Speaker laid before the House the records for divorce, in the case of Anne J. Paschal vs. John E. Paschal, also the record in the case of John G. Bates, against Marian Bates; which were referred to the committee on divorce and alimony.

Mr. Pettit introduced a bill to prevent the alternation of the Judges of the Circuit Courts.

Mr. Cooper introduced a bill for the relief of certain persons therein named.

Mr. Cooper introduced a bill for the better securing of fines and forfeitures in this State.

Mr. Skipper introduced a bill to create a certain county therein named and for other purposes.

Mr. Gamble introduced a bill relative to the records of Henry county.

Mr. Gamble introduced a bill to exempt certain property therein named from execution, in the county of Henry.

Mr. Mundy introduced a bill regulating the appointment of a brigade drill officer in each brigade.

Mr. Walker introduced a bill to be entitled, an act supplementary to an act approved February fifth, eighteen hundred and forty; which were severally read the first time and ordered to a second reading.

Mr. Kennedy of L. introduced joint resolutions, proposing a change in the constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature, and reduce the number of members thereof; which were read the first time and ordered to a second reading.

Mr. Henley introduced a bill to be entitled, an act to repeal an act entitled an act to prevent frauds in elections, approved, first January, eighteen hundred and forty-two.

Mr. Campbell introduced a bill to regulate the compensation of the Judge of the County Court of Mobile county; which was read the first and second time forthwith, and referred to the delegation from Mobile county.

Mr. Moore of P. introduced joint resolutions in relation to a certain sixteenth section therein named; which was read the first time and ordered to a second reading.

Mr. Murphey introduced a bill to repeal an act therein named

Mr. Banks introduced a bill to abolish brigade encampments and drills, in a certain brigade therein named.

Mr. Porter introduced a bill to regulate the sessions of the circuit courts of Pickens, Fayette and Walker counties.

Mr. Porter introduced a bill to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road.

Which were severally read the first time, and ordered to a second reading.

Mr. Cain presented the petition of John Gravler; which was referred to the committee on the judiciary.

Mr. Cain introduced a bill for the support of paupers in the county of Walker.

Mr. Calhoun introduced a bill for the benefit of section sixteen, township sixteen, range twelve, in Dallas county.

Which were severally read the first time, and ordered to a second reading.

Mr. Cain from the select committee to which was referred the petition of sundry citizens of Walker county, praying to be released from being compelled to go a great distance to perform militia duty, reported a bill for the relief of sundry citizens of Walker county; which was read the first time and ordered to a second reading.

Mr. Kidd from the military committee, to which was referred the petition of C. M. Jackson, reported that it was inexpedient to legislate upon the subject of the petition; in which the House concurred.

Mr. Kidd from the same committee, to which was referred the petition of sundry citizens of Barbour county, praying the repeal of the law which exempts certain property from levy and sale by execution, so far as it applies to road and militia duty, reported that the prayer of the petitioners should not be granted.

Mr. Hubbard moved to lay the report on the table; which was carried.

Mr. Kidd, from the same committee, to which was referred the bill to abolish brigade encampment drills, in the fourteenth brigade, third division, Alabama militia, reported as a substitute, a bill to abolish brigade encampment drills in this State, and for other purposes. The substitute was adopted, and ordered to be engrossed for a third reading.

Mr. Morris from the committee on enrolled bills, to which was submitted the joint resolutions in relation to the fine imposed upon General Andrew Jackson, by the judge of the United States Court, for the State of Louisiana, reported the same as correctly enrolled.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate concurs in the resolution of the House of Representatives, proposing to go into the election of a judge of the county court of Perry county, on Monday next, at twelve o'clock, noon.

The Senate has passed bills of the following titles:

A bill to change the time of holding the county court of Bibb county;

A bill to regulate in part, the duties of the Treasurer of Montgomery county;

And a bill authorizing the judge of the county court, and commissioners of roads and revenue, of Dallas county, to execute titles to certain real estate;

And also, bills of the following titles from the House of Representatives:

A bill to compensate certain persons therein named, and for other purposes;

A bill to organize the county of Coffee;



And a bill to change the time of holding the county court of Jefferson county.

The resolutions offered by Mr. Ware, in relation to afternoon sessions, being under consideration,

Mr. Ware moved that the resolution be laid upon the table, and made the special order for Monday next, at eleven o'clock; which was carried.

Mr. McClung from the judiciary committee, to which was referred the petition of the citizens of the eighth township, in range thirteen, west, of the county of Franklin, reported the same back to the House and recommended its reference to the committee on propositions and grievances.

The petition was so referred.

On motion of Mr. Moore of P.,

*Resolved*, That by Monday next the clerk shall separate the local from the general business of this House, and that Friday and Saturday of each and every week, after the call of the counties for petitions and bills, standing and select committees, be exclusively devoted to the consideration of such local business, until the end of the session, or until the same be disposed of.

On motion of Mr. Jones of G.,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of re-arranging the judicial circuits of the State of Alabama, so as to reduce the number of judicial circuits to nine, and that they report by bill or otherwise.

Mr. Pettit offered the following resolution:

*Resolved*, That, with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on to-morrow, at twelve o'clock, for the purpose of electing a Solicitor for the sixth judicial circuit.

On motion of Mr. Bridges, the resolution was laid on the table.

On motion of Mr. Bridges,

*Resolved*, That the Secretary of State be requested to furnish this House, a statement of the census taken of the inhabitants of this State in eighteen hundred and thirty-eight, and also a statement of the sixth census, taken under the authority of the United States, designating the number of white persons, also the number of slaves, distinguishing the ages of the slaves under and over ten years of age.

On motion of Mr. Rice,

*Resolved*, That, with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, on Saturday the seventeenth instant, at the hour of twelve o'clock, noon, for the purpose of electing a Judge of the county court for Tallapoosa county.

Mr. Hubbard offered the following resolution:

*Resolved*, That the select committee to whom was referred so much of the Governor's message as relates to the laying off the State into Congressional Districts, be instructed to report a bill for that purpose, having regard to the white population only as the basis of such Congressional representation.

Mr. Martin moved that the resolution be laid on the table, and that it be made the special order for Wednesday; which was carried.

Mr. Robinson offered the following resolutions:

*Resolved*, That the Cashier of the Bank of the State of Alabama, and the Cashiers of the several Branches thereof, be required to furnish this House, forthwith, with a full and complete statement of any and all sum or sums of money, in any form or under any pretence whatever, paid to any and all officer or officers of any of said Banks, over and above the salary and salaries allowed to such officer or officers by law, from the commencement of said Banks down to this time.

*Resolved*, That in the statement so to be made, they show in what years such overpayments were made, in what sum or sums, to whom made, and who were the President and Directors of such Bank or Branch Bank at the time such overpayments were made; also, the Presidents and Directors who voted for and against such overpayments.

Also, the exact amount of expenditures of the Branches of the Bank of the State of Alabama at Mobile, Montgomery, Decatur and Huntsville, for the last three years, and the nett amount realized by said Branches within said period, by discount, interest and premium.

Mr. Ware moved to amend, by adding, "and also such sums as have been discounted to any Director, after having resigned his seat as such, since the year eighteen hundred and forty."

The question was first taken on the adoption of the amendment, and decided in the negative

The resolutions were adopted.

The hour of twelve having arrived, the House proceeded to the consideration of the orders of the day.

The engrossed bill to extend the provisions of an act therein named to the counties of Coosa, Russell and Henry;

The engrossed bill to change the name of the county seat of Cherokee county;

The engrossed bill to compensate Henry Farrar for a slave executed in pursuance of law;

The engrossed bill to regulate the purchase of timber for the use of roads in Dallas county;

The engrossed bill to alter the winter term of the county court of Covington county;

Were severally read the third time and passed.

The engrossed joint resolutions proposing amendments to the constitution was read the third time.

The question was, shall the joint resolutions pass?

The yeas and nays were demanded—

YEAS—Messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Caffey, Calhoun, Cooper, Crowder, Cunningham, Dubose, Earle, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jones of Con. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McLemore, McMillion, Mitchell, Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Skipper, Smith of P. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Wil-

Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

Those who voted in the negative are, Messrs. Speaker, Banks, Bridges, Campbell, Clay, Cochran, Douglass, Dunn, Dunklin, English, Gasque, Jackson, Jones of G. Kennedy of L. McClung, McCoy, Meriwether, Moore of M. Norman, Rice, Robinson, Roby, Smith of L. Smith of T. and Winston of S.

The resolutions were adopted.

The engrossed bill to repeal an act therein named, was read the third time and passed.

The bill to provide for the payment of the clerks of the several courts in this State, of money advanced by them in certain cases, was read the second time, and, on motion of Mr. Smith of P. was referred to the committee on the judiciary.

The bill for the relief of Scales Machin, was read the second time and referred to the committee on the judiciary.

The bill for the reduction of the salaries of certain public officers therein named, was read a second time, and, on motion of Mr. Bridges, referred to a select committee of three members.

Whereupon, Messrs. Bridges, Hubbard and Jones of G. were appointed said committee.

The select committee, to whom was referred so much of the Governor's message as relates to our claims against the General Government, for money paid our troops and citizens during the Indian hostilities, consists of Messrs. Ware, Henderson, McLemore, Hubbard, Williams of J. Kendrick and Pettit.

And then the House adjourned until to-morrow morning, ten o'clock.

SATURDAY, Dec. 17th, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the record for divorce in the case of A. D. Sanford against Vincent Sanford, and also the record in the case of Hannah Whatley against Willis Whatley; which were referred to the committee on divorce and alimony.

Mr. Mitchell introduced a bill to amend the law for the collection of taxes in the county of Autauga.

Mr. Gasque introduced a bill to change the name of a certain person therein named, and for other purposes.

Mr. Skipper introduced a bill to abolish certain election precincts therein named, and to establish others in lieu thereof.

Mr. Henley introduced a bill regulating the proof required to sustain an action at law in certain cases.

Which were severally read the first time and ordered to a second reading.

Mr. Abernathy presented the petition of H. B. Watkins and others; which was referred to the committee on education.

Mr. Pickett presented a petition; which was referred to the committee on divorce and alimony.

Mr. Gardner presented a petition; which was referred to the committee on county boundaries.

Mr. Bridges presented the petition of Solomon Perkins; which was referred to a select committee consisting of the delegations from Maren-go and Wilcox.

Mr. Speaker laid before the House a communication from William Garrett, Secretary of State, transmitting a statement of the census of one thousand eight hundred and thirty-eight; which was laid on the table, and one hundred copies of the statement ordered to be printed.

Mr. Bridges, from the select committee to which was referred the bill for the reduction of the salaries of certain public officers therein named, reported the same back to the House with the following amendment—The Governor of this State, the Judges of the Supreme Court, the Judges of the Circuit Courts, and Chancellors hereafter to be elected, shall receive as compensation for their services annually, the following salaries respectively, to wit: the Governor shall be entitled to receive twenty-five hundred dollars, the Judges of the Supreme Court shall each be entitled to receive two thousand dollars, the Judges of the Circuit Courts and Chancellors shall each be entitled to receive fifteen hundred dollars, and no more, which shall be paid quarterly as heretofore.

Mr. Moore, of P., moved to strike out the words “two thousand” as the salary of the Judges of the Supreme Court, and insert the words “twenty-six hundred.”

Mr. Bridges called for a division of the question, which was first taken on striking out, and decided in the negative.

Those who voted in the affirmative, are—messrs. Speaker, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dunn, English, Gasque, Henley, Jackson, Jones of Con., Jones of G., Kennedy of L., Kidd, Martin, McClung, McCoy, McLemore, Moore of P., Morrisett, Murphy, Norman, Norris, Pettit, Porter, Robinson, Skipper, Smith of L., Storrs, Ware, Watts, and Witherspoon.

Those who voted in the negative, are—messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Cain, Crowder, Cunningham, Dubose, Dunklin, Earle, Finley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov., Kendrick, Kennedy of M., Lankford, Marchbanks, McMillion, Meriwether, Miree, Mitchell, Moore of Mad., Morgan of A., Morgan of C., Morris, Morrison, Mundy, Oliver, Pickett, Pynes, Rice, Richeson, Scott, Smith of P., Smith of T., Tate, Turner, Valliant, Walker, Whorton, Williams of J., Williams of P., Winston of DeK., Winston of S., and Woodward—58.

The House refused to strike out.

Mr. Martin moved to strike out so much as applied to Chancellors.

Mr. Campbell moved to postpone the bill indefinitely.

Mr. Rice moved to suspend the further consideration of the morning business; which was carried.

On motion of Mr. Rice,

*Resolved*, That the Senate be now invited into the hall of the House,

for the purpose of electing a Judge of the County Court of Tallapoosa county.

The Senate repaired to the hall of the House, and the two Houses proceeded to the election of a Judge of the County Court of Tallapoosa county.

*Leroy Gresham* and — *Leftwich*, being in nomination.

Those who voted for *Mr. Gresham*, are Messrs. Arrington, Buford, Dent, Hall, Hunter, King, Moores, Oliver, Phillips, Reese, Thornton, and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bridges, Caffey, Cain, Calhoun, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dunn, English, Erwin, Fletcher, Gardner, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kidd, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Skipper, Storrs, Tate, Valliant, Walker, Ware, Watts, Winston of S. Witherspoon and Woodward, of the House—76.

Those who voted for *Mr. Leftwich*, are Messrs. President, Baylor, Brindley, Creagh, Dailey, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall, Watkins, Wilson of Fayette, and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Bothwell, Dubose, Dunklin, Earle, Findley, Fowler, Gamble, Gasque, Hill, Hubbard, Kennedy of M. Lankford, Marchbanks, Martin, Moore of P. Morris, Morrison, Mundy, Murphey, Pynes, Richeson, Scott, Smith of P. Turner, Whorton, Williams of J. and Williams of P., of the House—49.

*Leroy Gresham* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Tallapoosa county, for the term prescribed by the constitution.

The Senate then withdrew.

A message was received from the Senate by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

An act to repeal in part an act therein named; and an act to extend the time for the collection of taxes in Cherokee county.

The House proceeded to the consideration of the orders of the day.

The engrossed bill to abolish brigade encampment drills in this State, and for other purposes, was read a third time and passed.

The bill to retrench the expenditures of the State University, and for other purposes, was read the second time.

On motion of Mr. Smith of T. it was referred to a select committee, consisting of messrs. Smith of T. Cochran, Norris, Earle and Ware.

The bill to establish certain election precincts, and abolish certain others, in the county of Coosa, was read a second time.

Mr. Kendrick moved to amend in writing, by an additional section.

Mr. Bridges moved to refer the bill and amendment to the committee on privileges and elections; which was carried.

The bill to change the time of holding the county court of Walker county.

The bill to extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox.

The bill for the relief of Cynthia R. Merritt.

And the bill authorizing the name of Crockettville to be changed to that of Crawford, in the county of Russell;

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill to alter the mode now provided by law, of conveying convicts to the Penitentiary, was read the second time and referred to the committee on the judiciary.

The bill to change the name of certain persons therein named, was read the second time.

Mr. McMillion moved to amend by an additional section, which was adopted.

The bill was then ordered to be engrossed for a third reading.

The bill entitled an act to revise an act, entitled an act to provide for the more speedy trial of slaves and free persons of color, passed January seventh, one thousand eight hundred and thirty-two, was read the second time and referred to the committee on the judiciary.

The bill for the relief of Judiah Spencer, administrator of William Spencer, deceased, was read the second time and ordered to be engrossed for a third reading.

The joint resolutions in relation to section sixteen, township seventeen, range six, were read the second time and ordered to be engrossed for a third reading.

Mr. Scott from the committee on enrolled bills, reported as correctly enrolled:

An act to extend the time for the collection of taxes, in Cherokee county;

And a joint resolution of the State of Alabama, in relation to the territory ceded to the United States by the Creek Indians.

The bill to authorize the amendment of writs of error;

The bill to abolish the punishment of death;

The bill to regulate proceedings in the courts of law in this State;

And the bill for the relief of Francis G. DeMalempre;

Were severally read the first time and referred to the committee on the judiciary.

The bill concerning Judges of the county courts, was read the second time.

Mr. Gasque moved to amend by an additional proviso; which was adopted.

The bill and amendment were referred to the committee on the judiciary.

The bill to extend the term of the circuit courts of Marengo county, and for other purposes, was read and referred to a select committee consisting of the delegation from Perry and Marengo.

The bill for the relief of Francis McCoy, was read the second time.

The question was on ordering the bill to be engrossed for a third reading, which was decided in the negative.

The bill for the relief of Joseph Lowry and others;

And the bill to authorize Patrick May and John A. Fortune, to erect gates on a certain public road therein mentioned;

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill to compensate A. Crozier & Son, for purchasing weights and measures for the State, under a contract with the Secretary of State, was read the second time, and referred to the committee on accounts.

The bill to establish certain election precincts in Cherokee county, and for other purposes, was read the second time and referred to the committee on privileges and elections.

The bill to repeal in part an act to attach a part of Benton county to Talladega, and for other purposes, was read the second time and referred to the committee on county boundaries.

The bill to regulate the notice of sheriffs' sales, was read the second time and referred to the committee on the judiciary.

The bill to amend an act entitled an act for the better regulation of the State printing and altering the mode of paying for the same, approved, February fourth, one thousand eight hundred and forty, was read the second time and referred to the committee on public printing.

The bill in relation to the estates of deceased persons:

The bill to prohibit the raising of money by lottery:

The bill to incorporate the Huntsville Mechanics Benevolent Association:

The bill providing for the appointment of special registers in chancery in certain cases:

The bill to amend the laws now in force in relation to insolvent estates:

The bill to authorize the signing and sealing of bills of exceptions in criminal cases:

The bill to authorize Thomas S. Tate of Russell county, to administer on the estate of Jeremiah Walters, late of said county, deceased, in said county of Russell.

Were severally read the second time and referred to the committee on the judiciary.

And then the House adjourned until Monday morning, at ten o'clock.

MONDAY, Dec. 19th, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Branch Bank of the State of Alabama at Mobile.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller of Public Accounts, as follows:

COMPTROLLER'S OFFICE, }  
 DECEMBER, 17th, 1842. }

*Honorable Speaker of the House of Representatives:*

SIR—I hand you the accounts of Henry Tuttle, C. C. Gewin, N. A. Moore, John Griffin, John McKal and John M. Boss, which you will please lay before the General Assembly.

Respectfully, yours, &c.,

J. C. VAN DYKE.

Ordered, that the letter and accounts be referred to the committee on accounts.

Mr. Morgan of C introduced a bill to authorize Robert Martin, a man of color, to reside in and hold property in the State of Alabama.

Mr. McLemore introduced a bill to incorporate the Oak Bowery Male and Female Academy:

Mr. McLemore also introduced a bill for the relief of John A. Hurst and Jordan Thornton:

Mr. Winston of DeK. introduced a bill giving justices of the peace jurisdiction of assaults and batteries and affrays:

Mr. Morris introduced a bill respecting roads in the county of Fayette:

Mr. Hubbard introduced a bill to alter the laws now in force relating to a change of venue:

Mr. Kennedy of M. introduced a bill to compensate the commissioners of roads and revenue in the county of Marion:

Mr. Campbell introduced a bill for the relief of Henry Hottinguer, which were severally read the first time and ordered to a second reading.

Mr. Campbell presented the account of the sheriff of Montgomery county; which was referred to the committee on accounts.

Mr. Rice presented a petition of Catharine Welch; which was referred to the committee on propositions and grievances.

Mr. Barron introduced a bill to compensate Adam Zimmerman; which was read the first time and ordered to a second reading.

Mr. Bishop presented the record of divorce in the case of Elijah Dodson against Bethene G. Dodson; which was read and referred to the committee on divorce and alimony.

Mr. Porter presented the petition of William W. Lowe and others: Which was read and referred to the committee on roads, bridges and ferries.

Mr. Porter introduced a bill to incorporate the Warrior Manufacturing Company; which was read the first time and ordered to a second reading.

A message was received from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill to change the direction of tax fees in the counties of Talladega, Cherokee and Tallapoosa:

A bill to incorporate the Male and Female Academy in the village of Turnbull, in the county of Monroe:

Also, a bill from the House of Representatives, to change the name of the town of Irwinton in Barbour county, to that of "Eufaula."



Mr. Dear introduced a bill to amend an act to abolish imprisonment for debt; which was read the first time and ordered to a second reading.

Mr. Speaker laid before the House a letter from John Marrast, President of the Bank of Alabama, which contained a statement of the profits derived from the surplus revenue; which was read and referred to the committee on education.

Mr. Calhoun introduced a bill to divide the State into Districts for electing members to Congress, which was read the first time, and postponed until Thursday next.

Message from the Governor by Mr. Harrison :

Mr. Speaker—His Excellency the Governor has approved a bill which originated in the House of Representatives, of the following title, to wit :

An act to extend the time for the collection of taxes in Cherokee county.

Mr. McClung, from the judiciary committee, to whom was referred the bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, reported the same back to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. McClung, from the same committee, to which was referred the bill to prevent the sacrifice of real estate, passed first January, eighteen hundred and forty-two, reported the same back to the House, and recommended its passage.

On motion of Mr. McClung, the bill was recommitted to the judiciary committee.

Mr. McClung, from the same committee, to which was referred the bill to fix the lien of executions on personal property, reported the same back to the House, with the following amendment: "*Provided*, that this act shall only apply to such executions as may issue within thirty days after the adjournment of the court at which judgments were rendered;" which was adopted.

Mr. McClung moved to amend farther, by adding: "*And provided further*, that such liens shall only exist on the personal property of such defendant, within the county in which such judgments may be obtained."

Mr. Erwin moved to amend the amendment, by adding: "or the county to which execution may be issued."

The question was taken on the amendment to the amendment, and decided in the negative.

Mr. Henley moved to amend the amendment of Mr. McClung, by adding the words: "and that as to such personal property of the defendant, as may be out of the county in which such judgment was rendered, such lien shall only take effect as heretofore, from the delivery of the execution to the sheriff of such county;" which was accepted.

Mr. Calhoun moved to re-commit the bill to the committee on the judiciary.

On motion of Mr. Rice,

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of going into the election of a Senator to the Congress of the United States; also a Judge of the county court for Perry county.

The Senate repaired to the Hall of the House, and the two Houses proceeded to the election of a Senator to the Congress of the United States—*A. P. Bagby* alone being in nomination.

Those who voted for *Mr. Bagby*, are Messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Hunter, Jones, King, McClannahan, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Con. Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McLemore, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Walker, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Woodward.

Mr. Cooper voted for *Reuben Chapman*.

Mr. Henley voted for *Francis S. Lyon*.

Mr. Jones of G. voted for *John Gayle*.

Mr. Porter voted for *James W. McClung*.

Messrs. Kidd and Norris, voted for *George W. Crabb*.

Messrs. Storrs and Watts, voted for *Dixon H. Lewis*.

*Mr. Bagby*, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a judge of the county court of Perry county—*John P. Graham* and *James Bailey*, being in nomination.

Those who voted for *Mr. Graham*, are messrs. President, Baylor, Brindley, Dailey, Dent, Fleming, Foster, Hudson, Hunter, King, McClannahan, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watrous, Wilson of F. and Wilson of J. of the Senate; messrs. Speaker, Barron, Caffey, Cain, Cooper, Dear, Douglass, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Gardner, Garland, Griffin, Harris, Harrison, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, McClung, McCoy, McLemore, McMillion, Mitchell, Morgan of A. Morrisett, Mundy, Norman, Norris, Pickett, Pynes, Rice, Richeson, Robinson, Scott, Skipper, Storrs, Tate, Valliant, Walker, Whorton, Williams of J. Winston of DeK. and Witherspoon.

Those who voted for *Mr. Bailey*, are messrs. Arrington, Buford,

Creagh, Hall, Jones, McConnell, Toulmin, Walker, Walthall and Watkins, of the Senate; and messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Cochran, Crowder, Cunningham, Dortch, Dubose, Dunklin, English, Gamble, Gasque, Henderson, Hill, Hodges, Jones of G. Kennedy of L. Kidd, Martin, Meriwether, Miree, Moore of M. Moore of P. Morgan of C. Morris, Morrison, Murphey, Oliver, Pettit, Porter, Roby, Smith of T. Smith of L. Smith of P. Turner, Ware, Watts, Williams of P. Winston of S. and Woodward.

*Mr. Graham* having received a majority of votes, *Mr. Speaker* declared him duly elected Judge of the county court of Perry county, for the term prescribed by the constitution.

The Senate then withdrew.

The House proceeded to the consideration of the resolution offered by *Mr. Ware* on Tuesday last, proposing to have afternoon sessions.

*Mr. Campbell* moved to suspend the consideration of the resolution, in order that he might have an opportunity to make a number of reports from the bank committee.

*Mr. Ware* called for the yeas and nays on the motion to suspend.

YEAS—messrs. Speaker, Abernathy, Bothwell, Campbell, Clay, Cochran, Cunningham, Douglass, Dunklin, Dunn, Earle, English, Findley, Fletcher, Gamble, Garland, Gasque, Harrison, Henderson, Hendrix, Henley, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, McClung, McCoy, McMillion, Miree, Moore of P. Morgan of A. Mundy, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Turner, Valliant, Walker, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward—58.

NAYS—messrs. Banks, Barclay, Barron, Bishop, Caffey, Crowder, Dear, Dortch, Dubose, Fowler, Gardner, Griffin, Harris, Hill, Hubbard, Jones of Con. Lankford, Marchbanks, McLemore, Meriwether, Mitchell, Moore of M. Morgan of C. Morris, Morrisett, Morrison, Murphey, Norris, Skipper, Storrs, Tate, Ware, Watts, Whorton and Winston of DeK.

The motion was carried.

*Mr. Campbell*, from the committee on the State Bank and Branches, made the following report:

The committee on the State Bank and Branches, to whom was referred that portion of the message of the Governor that relates to the condition and management of those Banks; and the resolution of the meeting of citizens of Russell county, in regard to the currency and the policy to be pursued by the Banks; and a bill from the House, having for its object the final settlement of the affairs of the Branch Bank at Mobile, have had the subjects referred under consideration, and have instructed me to report.

1. The bill from the House, having for its object the liquidation and settlement of the affairs of the Branch of the Bank of the State of Alabama at Mobile, with several amendments; to which they ask the concurrence of the House, and recommend the passage of the bill.

2. A bill for the regulation of the Branch of the Bank of the State of

Alabama at Decatur, having for its object to prevent the increase of its debts or liabilities, and the security and preservation of its assets.

3. A bill for the regulation of the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery, having for its object to strengthen them in one effort to resume specie payments, and fixing the day for that purpose.

4. A bill having for its object the regulation of the expenses of the Banks, and the promotion of efficiency in the management of their suspended debt.

5. Joint Resolutions, embodying the sentiment of the Committee in regard to the course to be pursued by the President and Directors of the Banks in the collection of debts.

6. Joint Resolutions, having for their object to procure the release of the conditions on which the State of Alabama accepted the two per cent. fund; and also to provide for the establishment of the claims of the State upon the Federal Government.

The Governor, in his annual message, treats the subjects of reference as of paramount importance to all others that can command the attention of the General Assembly. Your committee have approached the consideration of them, impressed with the conviction that their magnitude and importance to the welfare of the people could hardly be exaggerated. They acknowledge the responsibility which the House has devolved upon them. They anticipate the consequences which must ensue, if the committee or the House shall be withdrawn from an honest search for the true policy to be adopted, and a sincere and hearty adherence by the people to whatsoever that policy demands.

The people of the State bear at this time evils of no ordinary magnitude. The derangement of the currency embarrasses and interrupts the transactions of civil and commercial intercourse. The citizen, in all his engagements that look to the future, experiences painful anxiety and distrust. He does not know what alteration may take place in the standard to which he now refers in his contracts. He has seen the most rapid and, to his mind, unaccountable fluctuations taking place from day to day and from week to week in it. He has seen that that property, the possession of which it was supposed would command every other, the most uncertain, unstable and fluctuating in value of any.

Your committee cannot but believe that this state of things is attended with vast injustice. They hold it to be the duty of the State to provide that contracts made in good faith should be executed in sincerity and justice. That the habitual departure from good faith which results from using a variable and uncertain standard of value, loosens in the public mind the obligations to maintain it, and that such a course tends directly to a dissolution of social union. There is a direct obligation in every State to preserve and maintain this standard.

To bring men into closer union—to enable men to have the benefit of associated powers and strength, is the first object of the State—but how can there be association and union where the condition of the currency compels men to withdraw from commerce and intercourse with each other?

The effect of a depreciated currency upon the habits of men in their business arrangements and relations, is not the smallest evil to which we are exposed. The uncertainty that prevails from this cause renders men careless and, to some extent, reckless. A condition of hazard is the condition of all men engaged in business; and a spirit of rash adventure and giddy speculation must be engendered among them. The sober calculations of industry—the just conclusions of a frugal and temperate enterprize, have scarcely a better chance for success than the hastiest and most daring scheme of thoughtless, heedless men. The qualities that strengthen and maintain a state—that promote order and advance its civilization, have become depressed and discouraged.

The effects on the laboring man are still more oppressive. His very means of subsistence are exposed to danger. Experience has shown him that a steady demand, and certain wages for his labor, is the condition most suitable to his position in society. A variable and depreciated currency deranges all the regular operations of society. The capitalist refuses to make investments, because all is uncertain. He hopes that each day will afford a better market; hence, employment to the laborer becomes uncertain and difficult. The effect of this is, to reduce his wages. His embarrassments are not ended, however, even when employment is obtained and his wages paid. The uncertainty in the value of the currency leads him into immediate, and probably improvident expenditures. He does not know how long the bill he receives will retain its present value: hence, idleness and intemperance frequently result—for, confidence being destroyed, and confusion of mind substituted for it, the tendencies of the human character are to immorality, dissoluteness and crime. Your committee testify, with pleasure, that these pictures of public demoralization have not yet found their counterparts in this State. They attribute this to the fact, that most men have thought these evils were remediable, and that they would find the remedy in the action of the General Assembly now convened.

Your committee cannot resist the conclusion, that if the General Assembly does falter in the performance of its duty, that the character of the State will be degraded to the level of its currency; and that a condition will be attained, to which our gloomiest forebodings have not yet descended.

With these impressions, the committee have instructed me to say, that those of our public Banks that show no ability to maintain the resumption of specie payments, should be placed in a state of liquidation; and that those institutions that have held out the prospect of resumption, should for a time, be tolerated, but disabled from doing further harm by an increase of their debts to the community.

The bills herewith submitted, are prepared to effectuate these objects. The bill for the regulation of the Branch Bank at Mobile, is returned to the House with the amendments. These amendments do not affect the principle of the bill.

The committee concur entirely in the sentiments of the Governor in regard to this institution, and have prepared the details of the measure so as to render the liquidation economical, and at the same time com-

plete. Your committee have considered the arguments that have been advanced in support of this institution. They have felt that the position of the Bank at Mobile has been a commanding one; that it has been invested with powers which, had they been prudently exerted, would have yielded a rich return in benefits to the people; that its influence in maintaining the circulation and currency of the bills of the other Banks has been important; and that its absence may expose the other Banks connected with the State to injurious assaults. Your committee have considered, that even in its suspended condition, its machinery may have afforded conveniences to merchants and men of business; and that its removal may be attended with inconvenience, and produce pressure.

These arguments have all been deliberately weighed, and your committee say in reply to them, that, without an especial reference to the acts of any board or individual, the history of the Bank displays a management characterized by much carelessness and inattention—that its losses have been overwhelming; and an important portion of those losses have been sustained directly from those who had it in charge—that its expense accounts in some years, exhibit a disregard of the restrictions imposed by law, and in others, profusion and extravagance—that some of its settlements betray want of judgment and consideration; and some of its business operations have not been judiciously planned, or prosecuted with a definite aim, and have resulted disastrously to the Bank and the State.

Your committee will observe, that the arguments they have noticed, apply with some force in favor of the continuance of a well regulated institution in that city.

Your committee do not consider them as of any validity when applied to an institution in which fidelity, intelligence and strict responsibility are absolutely requisite to its successful management; and if obtained in this, it is rather by an accident, than the operation of any principle in its constitution.

Your committee, therefore, unanimously recommend, that this Bank should close its business, and bring its affairs to a final settlement.

Your committee agree with the Governor, that the amount of capital introduced into the State and deposited with the Banks, exceeded its wants; and that to this fact, many of its embarrassments may be traced. Large numbers of our people were diverted from the natural and sure ways of wealth. The regular profits from industry were insignificant compared with those apparently derived from speculation—property acquired fictitious values, and unreal qualities. It circulated almost with the facility of mercantile paper, and at each change of hand, at an increased denomination. Money constantly depreciating, and prices elevated to an unnatural height, encouraged a spirit of extravagance and wastefulness. The necessary result of this feverish condition of affairs, was prostration, bankruptcy and ruin to all who had suffered from the delusion.

Your committee find, that the cause is removed. The aggregation of capital, so imprudently made, no longer exists. It passed from the

Banks to the borrowers, and has escaped from them in their visionary schemes for increasing wealth. The cotton, speculations of one thousand eight hundred and thirty-seven—adventures in uncultivated lands, and unimproved town property—increase of slave property in the State at enormous prices—indulgence in habits of expense—general extravagance and profusion dissipated the money drawn from the Bank; and in hundreds of instances, the debtor is without the ability to make payment. There can be little doubt, that every Bank in the State has experienced a loss of a portion of its capital; and where there is no immediate danger of loss from the borrower acknowledged, it is conceded in such instances, that the money drawn from the Banks has been invested in property yielding moderate returns of profit, and that the Banks must consent to a slow and cautious withdrawal of the amount, or the insolvency of the debtor becomes certain. Under this state of facts, our banking establishments must be reduced; and that the State cannot hesitate to deal with them on the concession of the fact of their inability to exercise their functions.

This necessity has induced the committee to recommend, that the Branch Bank at Decatur should be deprived of this franchise. In its present condition, it cannot exercise it without a loss to the State. Its location is such, that with a new capital it could not continue business to advantage.

Your committee, therefore, believe it is due to public expectation, as it certainly is consistent with sound policy, that the General Assembly should place its affairs in a train for final settlement.

In regard to the Bank of the State of Alabama and the Branches at Huntsville and Montgomery, your committee have arrived at the conclusion, that no final action should, at this time, take place. The charters of two of these banks expire in eighteen hundred and forty-five. The question whether they should go out of existence necessarily presents itself to the people. That question, your committee do not believe has yet been decided. The committee are deeply impressed with the conviction, that if any step is taken in the management of this question, calculated to surprise the public mind, the effect might be to overthrow all the measures that are now held to be absolutely necessary. To meet the exigencies in the condition of the State, the General Assembly must make a severe exaction upon the moral force of the people. It cannot be denied that the measures of reform already proposed, will produce severe distress, and be productive of pecuniary embarrassment. To superadd to these, measures for which the people are not prepared, would weaken the claims which those have upon their support. In dealing with this subject, your committee cannot express too strongly the opinion, that the measures should be proportioned to the expectations of the people. Your committee would have the difficulties in which the State is involved, met firmly. The time has now come when there can be no evasion. Looking, then, steadily to the objects of reforming the currency of the State, and making provisions for the payment of the public debt, it is the duty of the General Assembly to move steadily and deliberately.

To move with no sudden, hasty, or violent effort, but with a calm and fixed purpose to attain the end—to move, not from the impulses of a speculative opinion, or even the just conclusions to which we may have attained, so much as to answer the sober demands of our constituents. For it has been well remarked, “that the remark can scarcely be repeated often enough, that however beneficial any proposed change in the policy of a country may be, it may not unfrequently be productive of evils on its sudden introduction, which will more than compensate the good it is fitted eventually to confer.” Among other reasons for this, there is one peculiarly applicable in a country whose government is constituted like ours: “That it is seldom a change of any kind in the political or social relations of society, can be beneficially carried into execution before public opinion can be induced to declare decidedly in its favor.”

Your committee have no doubt that the people of the State look to the General Assembly to settle a day for the resumption of specie payments by the Banks. They require that the Banks shall make one effort to furnish to the State a convertible currency. Your committee have appointed in the bill, a day perhaps quite as distant as the people will be disposed to tolerate, and have thus preserved to the people the means of answering, by their own experience and observation, whether the Banks have entirely failed in the objects of their creation, and whether the charters of the Banks shall be continued. Your committee feel satisfied that a course less temperate than this will be productive of injurious consequences.

The State Bank system was early adopted in the State. To its benign influence in the first year of its existence, many of our people trace their prosperity. Within the last few years, doubts, for the first time, have been awakened to the result of the experiment. Against these doubts the community at large has struggled. Your committee do not believe that the disasters which have overtaken the Banks, and which have depreciated their character and currency, have had the effect of destroying this confidence. The measure of its prostration should be resolved upon by the people, upon a view of its deficiencies, before the General Assembly will be justified in adopting it. Your committee have therefore refrained from the inquiry, how far the system has failed. They have reported a measure which guards the Banks from mismanagement during the ensuing year—and have exposed the system to a plain and easy test—one which the sense of the community has selected, and upon its ability to bear that test, has rendered their existence dependent.

Your committee will not discuss at length the details of the bills they have presented. These details comprise a change in the mode of selecting Directors—a change demanded by public opinion.

The plan proposed by the committee contains the advantages derivable from the power of appointment; and some of the abuses to which it is exposed, are not comprehended in it.

To the subject of the reduction of the number of officers in the Banks and to the retrenchment of other expenses of the Banks, the committee



directed their attention. A very great retrenchment will be effected under the bills presented.

The joint resolutions submitted in regard to the course of the Bank Directors in the management of the Banks, are intended to answer the inquiries continually made for the course to be taken with the debts. The committee are opposed to the passage of an indiscriminating relief measure. A discretion, regulated by the General Assembly, ought to be confided to the President and Directors.

The instructions contained in these resolutions, will justify these officers in the adoption of a forbearing, and even indulgent, course of action. Still, there should be limits to these, and the General Assembly cannot, by law, accurately mark these limits. The subject must be confided to the Presidents and Directors.

The committee have directed some attention to the inquiry, how far the Banks were able to meet their engagements. The result of these inquiries, have led to the report of resolutions, referring to the application of means not entirely within the control of the State, but providing for the attainment of them. The committee will report more fully hereafter, upon the subject of the resources of the Banks, and their ability to pay the interest upon the public debt and the bonds falling due in eighteen hundred and forty-four; also, upon the disposition to be made of the specie funds in the Mobile and Decatur Branches, and upon the measures to be taken to sustain the public faith.

The committee cannot conclude their report without declaring, that the evils from disordered finances crowd upon the people.

That the duty of the General Assembly to mitigate these evils, by an examination into all the departments of expenditure, has become an imperative obligation.

That efficiency in the administration of all the departments of the Government is demanded, and that efficiency will be most promoted by diminishing the number of officers, and defining with precision their duties.

Your committee feel assured, that when the General Assembly shall come to the people with evidence, that their interests have been studiously considered—that their cause has suffered no harm by its dereliction of duty—it can make an appeal to the people to maintain the public faith and discharge the public obligations, which will never be rejected. Your committee look with confidence to this co-operation between the General Assembly and the people, as the means, under Providence, left us for the preservation of the honor of the State, and the maintenance of its faith and character; and that upon the General Assembly devolves the duty of taking the first measures to secure that co-operation.

J. A. CAMPBELL, *Chairman.*

The report was laid on the table, and five hundred copies ordered to be printed.

Mr. Campbell, from the same committee, to which was referred the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile, reported the same back to the House with amendments.

The consideration of the bill and amendments was postponed until Thursday next, at eleven o'clock, and made the special order of that day.

Mr. Campbell, from the same committee, reported a bill to regulate the Branch of the Bank of the State of Alabama at Decatur; which was read the first time, the constitutional rule suspended, and read a second time forthwith.

Mr. Campbell moved that the bill be laid on the table, and that one hundred copies ordered to be printed; which was carried.

Mr. Campbell, from the same committee, reported a bill to regulate the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery; which was read the first time, the rule suspended and read a second time forthwith.

And, on motion of Mr. Calhoun, laid on the table and one hundred and thirty-three copies ordered to be printed.

Mr. Campbell, from the same committee, reported a bill to regulate the management and expenses of the Bank of the State of Alabama and its Branches; which was read the first time, rule suspended and read second time forthwith.

And, on motion of Mr. Calhoun, laid on the table and one hundred and thirty-three copies ordered to be printed.

Mr. Campbell, from the same committee, reported joint resolutions of the General Assembly in relation to the conduct to be pursued by the President and Directors of the Bank of the State of Alabama and its several Branches, in the collection of debts; which was read the first time, rule suspended and read the second time forthwith.

And, on motion of Mr. Campbell, laid on the table and one hundred and thirty-three copies ordered to be printed.

Mr. Campbell, from the same committee, reported joint resolutions of the General Assembly; which were read the first time, rule suspended and read the second time forthwith, and laid on the table, and one hundred and thirty-three copies ordered to be printed.

Mr. Campbell, from the same committee, to which was referred the bill to repeal in part the act appropriating two hundred thousand dollars annually in aid of sixteenth sections, reported as a substitute a bill to regulate the Bank of the State of Alabama and its several Branches.

Mr. Cooper moved to lay the bill, substitute and report on the table.

Ordered, that Mr. Whorton have leave of absence for ten days from Wednesday next.

And then the House adjourned, until to-morrow morning at ten o'clock.

TUESDAY, December 20, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller of Public Accounts, as follows:

## COMPTROLLER'S OFFICE. }

DECEMBER 19, 1842. }

*Hon. Speaker of the House of Representatives:*

Sir—I have the honor to hand you, for the purpose of laying before the General Assembly, the following accounts: Lansford Stalling, E. W. Thompson, John W. Horton, Jesse Taylor, James G. Bankhead, Wilson Kennedy and Hiram Yarwooter.

Respectfully, &c.

J. C. VAN DYKE.

The communication and accounts were referred to the committee on accounts.

Mr. Mitchell introduced a bill for the relief of Julia S. Sample, of Autauga county; which was read the first time and ordered to a second reading.

Mr. Gasque presented a petition; which was referred to the committee on privileges and elections.

Mr. Gasque presented the petition of Oregon Sibley, and other citizens of Baldwin county; which was referred to the committee on the judiciary.

Mr. Kendrick introduced a bill authorizing Samuel P. Jones, to draw a certain sum of money therein mentioned; which was read the first time and ordered to a second reading.

Mr. Jones of Cov. presented a petition from the sixteenth section, township three, of range fourteen, in Covington county; which was referred to the committee on the judiciary.

Mr. Winston of DeK. presented a petition in relation to county boundaries; which was referred to a select committee, consisting of the delegations from Jackson, Marshall and De Kalb.

Mr. Marchbanks introduced a bill the more effectually to prevent the Bank of the State of Alabama and its several Branches from violating existing laws in certain cases.

Mr. Jones of G. introduced a bill to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county, and also at Greensborough, in Greene county, approved December thirty-first, eighteen hundred and forty-one.

Mr. Walker introduced a bill to extend the jurisdiction of county courts in certain cases.

Mr. Valliant introduced a bill concerning Coroners.

Mr. Rice introduced a bill to authorize Isaac Homes and his associates to turnpike a road.

Mr. Rice introduced a bill to change the name of a certain person therein named.

Mr. Kennedy of M. introduced a bill to amend the road law as to the county of Marion.

Mr. Caffey introduced a bill to extend the limitation of prosecutions in the county of Montgomery.

Mr. Ware presented the petition of Alfred W. Scott and Charles T. Pollard; and, also, the petition of P. N. Madagan and others; which were read and laid on the table.

Mr. Ware introduced a bill for the relief of the legal representatives of John Scott, Sen. deceased.

Also, a bill to incorporate the Montgomery Hook and Ladder Company; which were severally read the first time and ordered to a second reading.

Ordered, that Mr. Dorth have leave of absence for ten days.

Mr. Storrs introduced a bill to regulate the practice in the Chancery Courts of this State, in certain cases.

Mr. Barclay introduced a bill the more effectually to prevent Judges of the County Courts from appearing as counsel in certain cases.

Mr. Porter introduced a bill to limit the commencement of actions.

Mr. Bridges introduced a bill to authorize Richard Green, of Marengo county, to change the guardianship of his ward, Seaborne J. Butler.

Which were severally read the first time and ordered to a second reading.

On motion of Mr. Erwin,

*Resolved*, That the two Houses will convene in the hall of the House, on Wednesday the twenty-first instant, at twelve o'clock, A. M., for the purpose of going into the election of Judge of the County Court of Mobile county; also, a Judge of the County Court of Marion county.

A message from the Governor, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }  
Dec. 20th, 1842. }

*To the Speaker of the House of Representatives :*

Sir—I have the honor to lay before the House of Representatives, the annual report of the Board of Trustees of the University of the State of Alabama, at their late session.

(Signed,) B. FITZPATRICK.

Ordered, that the report be laid on the table, and that three hundred copies be ordered to be printed.

A message from the Governor, by Mr. Harrison:

*To the Speaker of the House of Representatives :*

Sir—I have the honor to lay before the House of Representatives, copies of joint resolutions of the General Assembly of South Carolina, in relation to the controversy between New York and Virginia.

Of Connecticut, in relation to the West Point Academy.

Same, in relation to the Bankrupt act.

Same, in relation to the Tariff.

Of Massachusetts, in relation to the imprisonment of the citizens of that Commonwealth, in other States.

Same, in relation to the choice of Electors of President and Vice President of the United States.

Of Kentucky, in relation to amendments of the Constitution of the United States.

Same, in relation to the soldiers of the Revolution.

Same, in relation to repudiation of State Debts.

Of Maryland, in relation to Slavery in the District of Columbia.

Of New York, in relation to Postage.

Of Maine, in relation to Public Land.

Of Mississippi, in relation to the annexation of Texas to the United States.

Of Tennessee, on the same subject.

Of New Jersey, on the subject of the Tariff. And

Resolutions from the Town Council of Alexandria, in relation to the retrocession of the District of Columbia.

All of which is respectfully submitted.

(Signed,)

BEN. FITZPATRICK.

On motion of Mr. McClung, the resolutions of Kentucky, in relation to the repudiation of State Debts, was referred to the committee on ways and means.

Message from the Governor, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA. Dec. 20th, 1842. }

*To the Speaker of the House of Representatives:*

Sir—I have the honor to make known to the House of Representatives, that I have this day received the resignation of the Hon. John P. Booth, resigning the office of Judge of the sixth Judicial Circuit, to take effect from and after the third day of February next.

(Signed,)

B. FITZPATRICK.

On motion of Mr. Hubbard,

*Resolved*, That a committee on federal relations be added to the list of standing committees of this House.

The resolutions of the State of Connecticut, transmitted to the House by the Governor, were referred to the committee on the military

Ordered that the residue of the resolutions transmitted to this House by the Governor, be referred to the committee on federal relations.

A communication was received from J. C. Van Dyke, Comptroller of the State, transmitting the accounts of John Brown, which, together with the communication, was referred to the committee on accounts.

The House proceeded to the consideration of the report of the Judiciary committee made yesterday on the bill to fix the lien of executions on personal property.

Mr. Barclay moved to amend.

Mr. McClung moved to re-commit the bill to the committee on the judiciary; which was carried.

The House then proceeded to the consideration of the report of the committee on the State Bank and Branches, on the bill to repeal in part the act appropriating two hundred thousand dollars annually in aid of valueless sixteenth sections. The substitute reported by the committee was adopted.

Mr. Hubbard moved to amend in writing.

Mr. Barclay moved to postpone the consideration of the bill until next Friday week, and make it the special order for that day—Yeas 58, Nays 38.

YEAS—messrs. Abernathy, Barclay, Bishop, Bothwell, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Hendrix, Hodges, Hubbard, Jackson, Jones of Con. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McMillion, Mitchell, Morgan of A. Morgan of C. Morris,

Morrison, Murphey, Norman, Oliver, Porter, Pynes, Rice, Richeson, Roby, Scott, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. and Williams of J.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Calhoun, Cunningham, Dortch, Dunklin, English, Erwin, Gasque, Gardner, Harrison, Henderson, Henley, Hill, Jones of Cov. Jones of G. McClung, Meriwether, Miree, Moore of M. Moore of P. Morrisett, Mundy, Norris, Pettit, Pickett, Robinson, Skipper, Smith of P. Smith of T. Tate, Turner, Williams of P. Winston of S. Witherspoon and Woodward.

The motion was carried.

The House then proceeded to the consideration of the special order, it being the resolution offered by Mr. Ware on Tuesday last, in relation to holding afternoon sessions.

Mr. Mundy moved to amend the resolution by striking out the words "fifteenth of the present month," and inserting "first day of January next."

A division of the question being called for, the first was taken on striking out, and carried.

Mr. McClung moved to fill the blank with the words "eighth day of January next;" which was lost—Yeas 34, Nays 52.

YEAS—Messrs. Speaker, Abernathy, Bothwell, Bridges, Calhoun, Clay, Cochran, Dortch, Douglass, Dunn, English, Harrison, Henley, Hodges, Jones of Cov. Kennedy of L. Kidd, Martin, McClung, McCoy, Murphey, Norman, Oliver, Pettit, Porter, Rice, Robinson, Roby, Tate, Turner, Valliant, Walker, Winston of S. and Woodward—34.

NAYS—Messrs. Barclay, Barron, Bishop, Caffey, Cain, Campbell, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Earle, Erwin, Findley, Fowler, Gardner, Griffin, Harris, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, McLemore, Meriwether, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Morrison, Mundy, Murphey, Norris, Pynes, Scott, Skipper, Smith of T. Turner, Ware, Watts, Whorton, Winston of DeK. and Witherspoon—52.

Mr. English moved to amend the resolution further, by striking out the words, "this resolution shall be imperative, unless otherwise ordered by three-fourths of the House;" which was lost.

Mr. Bridges moved to postpone the further consideration of the resolution until the first day of January next; which was lost.

YEAS—Messrs. Speaker, Abernathy, Bothwell, Bridges, Clay, Douglass, Dunn, English, Fletcher, Gamble, Garland, Gasque, Harrison, Henley, Jackson, Jones of Cov. Kennedy of L. Martin, McClung, McCoy, McMillion, Moore of P. Morgan of A. Norman, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Smith of P. Tate, Valliant, Walker, Williams of J. Williams of P. and Winston of S.—39.

NAYS—Messrs. Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Campbell, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Earle, Erwin, Findley, Fowler, Gardner, Griffin, Harris, Henderson, Hendrix, Hodges, Hubbard, Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, McLemore, Meriwether, Miree, Mitchell, Moore

of M. Morgan of C. Morrisett, Morrison, Mundy, Murphey, Norris, Pynes, Scott, Skipper, Smith of T. Turner, Ware, Watts, Whorton, Winston of DeK. Witherspoon and Woodward—54.

The question then recurred on filling the blank with "the first January;" which was carried.

The resolution, as amended, was then adopted.

On motion of Mr. Jackson,

*Resolved*, That all proceedings on the charges submitted as the foundation for articles of impeachment against Judge Booth, be suspended; and that the committee on the judiciary, to whom the subject matter was referred, be discharged from the further consideration of the subject.

On motion of Mr. Smith of T.

*Resolved*, That the use of the Representative Hall be allowed to the State Bible Society, on Thursday evening next, at seven o'clock.

Mr. Scott, from the select committee to which was referred the petition of sundry citizens of Jackson county, reported a bill to legalize the acts of Thomas M. King, Noel B. Warren and James P. Poston, commissioners of the sixteenth section of township four, and range five, in Jackson county; which was read the first time and ordered to a second reading.

Mr. Pickett, from the select committee to which was referred the petition of township twelve, range four, east, in the county of Marengo, reported a bill to authorize the commissioners of the sixteenth section of township twelve, range four, east, in the Demopolis Land District, to rescind a contract therein described; which was read the first time, and ordered to a second reading.

Mr. Barron, from the select committee to which was referred the petition of the citizens of township nineteen, range seven, reported a bill to extend, for a limited time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven; which was read the first time and ordered to a second reading.

Mr. Smith of P. from the select committee to which was referred the resolution proposing an amendment to the constitution, so as to have biennial sessions of the Legislature, reported joint resolutions to amend the constitution, so as to have biennial sessions instead of annual sessions of the General Assembly.

Which were read the first time and ordered to a second reading.

Mr. Henley from the select committee, to which was referred the bill to extend the term of the Circuit Court of Marengo county, and for other purposes, reported the same back to the House, with an amendment by way of additional section; the amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Cochran from the select committee, to which was referred the resolutions of the lands in the Creek Indian territory, reported, a bill in relation to Creek Indian reservations in this State; which was read the first time and ordered to a second reading.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill for the relief of certain persons therein named.

Also a bill for the relief of Anne T. R. Wyatt, and have amended the same as therein shewn; in which the concurrence of the House is requested,

The resolution of the House of Representatives, proposing to elect Judges of the County Courts of Mobile and Marion Counties, on to-morrow, at twelve o'clock M., is concurred in by the Senate.

The committee on federal relations consists of Messrs. Hubbard, Calhoun, Clay, Henderson, Moore of P. Jones of G. Erwin, McLemore and Porter.

Ordered, that the resolutions transmitted to this House, by the Governor, be referred to the committee on federal relations, except the resolutions from Connecticut and that said resolutions be referred to the committee on the military.

And then the House adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, December 21, 1842.

The House met pursuant to adjournment.

Mr. Morgan of A. introduced joint resolutions to authorize the Warden of the Penitentiary to appoint a deputy Warden; which was read the first time and ordered to a second reading.

Mr. Norris introduced a bill to promote the cause of education in the several counties in this State.

Mr. Mundy introduced a bill to more fully establish the line between the counties of Jackson and De Kalb.

Mr. Campbell introduced a bill to change the time of holding the Chancery Courts for the first district of the Southern Chancery division.

Mr. Winston of S. introduced a bill to give a lien to overseers for their wages.

Mr. Winston of S. introduced a bill to repeal and act therein named.

Mr. Smith of T. introduced a bill for the re-covering of the State Capitol; which were severally read the first time and ordered to a second reading.

Mr. McClung from the judiciary committee, to which was referred a bill to regulate the notices of Sheriffs' sales, reported, that it is inexpedient to alter the existing law on that subject.

Mr. Pettit moved to lay the report and bill on the table; which was carried.

Mr. McClung from the same committee, to which was referred a bill to restrict the jurisdiction of the County Courts in this State, reported, that it is inexpedient to pass said bill; in which the House concurred.

Mr. McClung from the same committee, to which was referred the petition of John Gravler, made the following report:

The judiciary committee to whom was referred the petition of John Gravler, praying the passage of a law authorizing the administrator of Mary Dumen, to convey to him a certain tract of land therein described, have had the same under consideration, and have instructed me to report, that there has been no evidence furnished said committee, that the petitioner has any claim, either legal or equitable to said land.



Your committee cannot too strongly deprecate all attempts to legislate, in relation to the conflicting rights of persons, on subjects more appropriately belonging to the judicial tribunals of the country—such legislation, particularly if it be as in this instance, of an *ex parte* character, can have no effect on the rights of others. By the death of Mary Dummer, without will, the title to the land in question vested in her heirs—they are not parties to this petition, and even if the petitioner could make a *prima facie* shewing in support of his claim, it is not improbable that the effect of such testimony could be entirely destroyed by the evidence which might be procured against it.

They therefore, are constrained to report that it is inexpedient, and would be improper to pass the law prayed for; in which report the House concurred.

Mr. McClung from the same committee, to which was referred the bill for the relief of Leah Machen, reported that it would be inexpedient to pass the bill; in which House concurred.

Mr. McClung from the same committee, to which was referred the bill concerning Judges of the County Courts, reported the same back to the House, with the following amendment: "Strike out the proviso, which exempts the counties of Baldwin, Washington and Clarke from the provisions of the bill."

Mr. Speaker decided the amendment of the committee, not in order, the proviso having been added in the House by way of amendment.

Mr. Marchbanks moved to amend, by adding "Fayette"

Mr. Skipper moved to amend, by adding "Dale and Coffee."

Mr. Fowler moved to amend, by adding "Blount."

Mr. Crowder moved to amend, by adding "Pike."

Mr. Griffin moved to lay the bill and amendments on the table; which was carried.

Mr. McClung from the committee to which was referred the bill to authorize the signing and sealing of bills of exceptions in criminal cases, reported the same back to the House, with the following amendment, to wit: after the word exceptions, "insert, on the part of the defendant or defendants." The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. McClung from the same committee to which was referred the bill to regulate judicial proceedings in the courts of law of this State, reported a substitute and recommended its passage.

On motion of Mr. Campbell the report and bills were laid on the table.

Mr. McClung from the same committee to which was referred the bill to incorporate the Huntsville Mechanics Benevolent Association, reported the same back to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. McClung from the same committee, to which was referred the bill for the relief of Francis De Malemprie, reported the same without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. McClung from the same committee, to which was referred the bill to prohibit the raising of money by lottery, reported the same with amendment by additional section, and recommended its passage.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. McClung from the same committee, to which was referred the bill to authorize the amendments of writs of error, reported the same back to the House with the following amendment, to wit: at the conclusion of the bill add the words, "under such rules and regulations as the Supreme Court may prescribe;" which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. McClung from the same committee to which was referred the bill to legalize and confirm certain deeds of conveyance of *femes covert* heretofore made; reported, the bill should not pass into a law.

On motion of Mr. Dear the bill was recommitted to the committee on the judiciary.

Message from the Senate, by Mr. Seales:

Mr. Speaker—The Senate has passed the following bills:

A bill to regulate the rate of interest:

A bill for the relief of Mary J Jones: And,

A bill to attach a part of Fayette to Walker county.

The following bills from the House have also passed:

A bill to extend the provisions of an act therein named, to the counties of Coosa, Russell, and Henry:

A bill to regulate the purchase of timber for the use of roads in Dallas county:

A bill to change the name of the county seat of Cherokee county:

A bill to alter the winter term of the county court of Covington county.

A bill to repeal an act therein named the caption of which is amended: Also,

A bill to amend an act to alter the mode of assessing and collecting the taxes of Sumter county.

Mr. McClung from the committee on the judiciary, to which was referred the bill to revive an act entitled an act, to provide for the more speedy trial of slaves and free persons of color, passed January seventh, eighteen hundred and thirty-two, reported, that it is inexpedient to pass said bill.

On motion of Mr. Jones of G. the report and bill were laid on the table.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of the citizens of Wetumpka, praying that the corporate limits of said city be so altered as to exclude certain land from said limits, reported—

A bill to alter and define the southern boundary line of a certain town therein named; which was read the first time, rule suspended, read the second time forthwith, and ordered to be engrossed for a third reading.

Mr. Moore of M. from the same committee to which was referred the bill for the relief Jedediah Spencer, administrator of Wm. Spencer, deceased, reported the same without amendment, and recommended its passage.

The bill was read the second time, and ordered to be engrossed for a third reading.

Mr. Woodward from the committee on roads, bridges, and ferries, to which was referred the petition of sundry citizens of Dallas county, praying the passage of a law to establish a certain private way; reported that the committee were of opinion that the law provides for all such roads, and that it would be inexpedient to legislate on the subject, in which the House concurred.

The petition was laid on the table.

Mr. Jones of G. from the committee on accounts, to which was referred the bill to compensate A. Crozier and Son for purchasing weights and measures for the State, under a contract with the Secretary of State, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Jones of G. from the same committee to which was referred the accounts of Robert Fenner and Thomas B. Jones, commissioners appointed to settle the business of the Courtland Land Office, and also the account of J. C. Van Dyke, for transcripts of the books of said office, reported a bill to compensate Robert Fenner and others for services therein specified; which was read the first time and ordered to a second reading.

Mr. Winston of S. from the committee on retrenchment, to which was referred a resolution on the subject of general retrenchment, reported a bill to repeal the law passed January ninth, eighteen hundred and thirty-six, entitled, an act to abolish direct taxation; which was read the first time and ordered to a second reading.

Mr. McClung from the committee on the judiciary, to which was referred a bill to alter the mode now prescribed by law, for conveying convicts to the penitentiary; reported that it is inexpedient to alter the existing law on that subject; in which the House concurred.

Mr. McClung from the committee on the judiciary, to which was referred the petition of the commissioners of township four, range five, west; reported, they had the same under consideration, and that the same had been improperly referred, and recommended its reference to the committee on propositions and grievances.

The petition was so referred.

Mr. McClung from the same committee, to which was referred a bill to prevent frauds on the rights of widows, reported the same back to the House, with an amendment by way of proviso.

Mr. Campbell moved that the bill and report be laid on the table; which was carried.

Mr. McClung from the committee on the judiciary, to which was referred the petition of Evan G. Richards and others, reported, that the prayer of the petitioners ought not to be granted; in which the House concurred.

Mr. McClung from the same committee, to which was referred the bill to authorize the Clerks of Courts and Justices of the Peace, to issue executions against plaintiffs in execution in certain cases; reported the same to the House, and recommended its passage.

Mr. Calhoun moved to lay the bill on the table; which was lost.

Mr. Cooper moved to amend, by inserting the words "in writing," after the word "order;" which was carried.

Mr. Barclay moved to postpone the bill indefinitely.

Mr. Erwin moved to suspend the further consideration of the morning business; which was carried.

On motion of Mr. Erwin:

*Resolved*, That the Senate be now invited to the Hall of the House, for the purpose of going into the election of a Judge of the County Courts, for the counties of Mobile and Marion.

The Senate repaired to the Hall of the House, and proceeded first, to the election of Judge of the County Court of Mobile county—*Solomon Heydenfelt, Samuel F. Rice, George F. Lindsay, John A. Cuthbert, and Samuel M. Ogden*, being in nomination.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor, Brindley, and Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Pettit, Porter, Whorton, and Witherspoon—13.

Those who voted for *Mr. Heydenfelt*, are messrs. Arrington, Buford, and Reese of the Senate; and messrs. Crowder, Fowler, Gresham, Harris, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of A. Oliver, Roby, Skipper, Tate, Valliant and Watts—12.

Those who voted for *Mr. Lindsay*, are messrs. President, Creagh, Hudson, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of J. Williams of P. and Woodward—34.

Those who voted for *Mr. Ogden*, are messrs. Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Cunningham, Dunn, Earle, Gardner, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Morgan of C. Norris, Storrs and Ware—26.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.—37.

Neither of the candidates having received a majority of all the votes cast, the two Houses proceeded immediately to a second ballot.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Earle, Erwin, Jackson, Kendrick, Porter, Whorton, and Witherspoon—13.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese of the Senate; and messrs. Crowder, Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of A. Oliver, Roby, Skipper, Tate, Valliant and Watts—16.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of P. Williams of J. and Woodward—36.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Cunningham, Dunn, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Morgan of C. Norris, Storrs and Ware—27.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Mundy, Moore of M. Morrisett, Morrison, Murphey, Pynes, Rice, Robinson, Scott, Smith, of L. Smith of T. Walker, Winston of DeK. and Winston of S.—37.

There being no election, the two Houses proceeded to ballot a third time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter, Whorton and Witherspoon.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese and Watrous, of the Senate; and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of C. Roby, Skipper, Tate, Valliant and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of J. and Wilson of F. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Dubose, Douglass, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton and Watkins, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Norris, Oliver, Storrs and Ware.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kidd, Kennedy of M. Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to ballot a fourth time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster, of the Senate; messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter, Whorton and Witherspoon.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese, of the Senate; and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of C. Roby, Skipper, Tate, Valliant, and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Cochran, Dear, Dortch, Douglass, Dubose, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Turner, Williams of J. Williams of P. and Woodward—34.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McClung, McCoy, Mitchell, Norris, Oliver, Pickett, Storrs and Ware—32

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Dunklin, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Lankford, Martin, Meriwether, Muree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Rounsom, Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.—57.

There being no election, the two Houses proceeded to ballot a fifth time.

Those who voted for *Mr. Cuthbert*, are messrs. Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Heydenfelt*, are Mr. Reese, of the Senate; and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. Morgan of C. Roby, Skipper, Tate, Valliant and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; messrs. Bridges, Calhoun, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Norris, Oliver, Pickett, Storrs, Ware and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Winston of DeK. and Winston of S.

No one of the candidates having received a majority of the votes given, the two Houses proceeded to vote the sixth time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Thornton, Watkins and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

No one of the candidates having received a majority of the votes given, the two Houses proceeded to vote the seventh time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Fowler, Gamble, Garland, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Dent, Hunter, King, Moores, Phillips, Reese, Thornton, Watkins and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cuning-

ham, Dunn, Earle, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Griffin, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Valliant, Walker, Winston of De K. and Winston of S.

There being no election, the two Houses proceeded to vote the eighth time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Kendrick, McClung, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Dubose, Dunklin, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McCoy, McLemore, Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Reese and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Jackson, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Valliant, Walker, Winston of De K. and Winston of S.

There being no election, the two Houses proceeded to vote the ninth time.

Those who voted for *Mr. Cuthbert*, are messrs. Foster, and Oliver, of the Senate; messrs. Speaker, Bothwell, Erwin, Jackson, Kendrick, McClung, Morgan of A. Pettit, Porter, Ware, Whorton, and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Watts, Williams of J. Williams of P. and Woodward.



Those who voted for *Mr. Ogden*, are Messrs. Arrington, Dent, Hunter, King, Moores, Phillips, Thornton and Watrous, of the Senate; and Messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Gardner, Harris, Jones of Con. Jones of G. McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett and Storrs.

Those who voted for *Mr. Rice*, are Messrs. Dailey, Fleming, McConnell, Reese and Walker, of the Senate; Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Gresham, Griffin, Henley, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

Neither of the candidates having a majority of the votes given, the two Houses proceeded to vote the tenth time.

Those who voted *Mr. Cuthbert*, are messrs. Buford, Foster, Hunter, King, Oliver, and Watrous of the Senate; and messrs. Speaker, Bothwell, Clay, Cunningham, Erwin, Henley, Jackson, Kendrick, McClung, Morgan of A. Morgan of C. Oliver, Pettit, Porter, Ware, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Arrington, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Fowler, Gamble, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Watts, Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are Messrs. Dent, Moores, Phillips, and Thornton, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Dunn, Harris, Jones of G. McCoy, Mitchell, Norris, Pickett, and Storrs.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Reese, Rodgers and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Gresham, Hendrix, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, McLemore, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to vote the eleventh time—the name of *Mr. Ogden*, being withdrawn.

Those who voted for *Mr. Cuthbert*, are messrs. Brindley, Buford, Dent, Foster, Hunter, King, Oliver, Phillips, Thornton and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bothwell, Campbell, Clay, Cunningham, Dunn, Erwin, Gresham, Harris, Henley, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, McLemore, Morgan of A. Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Skipper, Ware, Watts, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Arrington, Baylor, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and Messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Fowler, Garland, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of P. and Woodward.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Moores, Reese and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Mitchell, Moore of Mad. Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Valliant, Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to ballot the twelfth time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor, Brindley, Buford, Dent, Foster, Hunter, King, Moores, Oliver, Phillips, Thornton and Watrous of the Senate; messrs. Speaker, Banks, Barron, Bothwell, Campbell, Clay, Crowder, Cunningham, Dunn, Erwin, Fowler, Harris, Henley, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, Morgan of A. Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Skipper, Ware, Watts, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Arrington, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Gamble, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Marchbanks, McMillion, Moore of P. Norman, Richeson, Turner, Williams of P. and Woodward.

Those who voted for *Mr. Rice*, are Messrs. Dailey, Fleming, McConnell, Reese, Walker and Wilson of F. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Gresham, Griffin, Hendrix, Hill, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, McLemore, Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Tate, Valliant, Walker, Winston of DeK. and Winston of S.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to ballot the thirteenth time—the name *George F. Lindsay*, being withdrawn.

Those who voted for *Mr. Cuthbert*, are Messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hunter, Jones, King, McClanahan, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall, Watkins and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bothwell, Bridges, Campbell, Clay, Crowder, Cunningham, Dubose, Dunn, Earle, Erwin, Fowler, Gamble, Gasque, Harris, Harrison, Henley, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Ken-

neddy of L. McClung, McCoy, Mitchell, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Skipper, Storrs, Turner, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward—66.

Those who voted for *Mr. Rice*, President, Dailey, Fleming, Hudson, McConnell, Moores, Reese, Rodgers, Walker and Wilson of F., of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Dear, Dortch, Dunklin, English, Fletcher, Garland, Gresham, Griffin, Henderson, Hendrix, Hill, Hodges, Hubbard, Kennedy of M. Lankford, Kidd, Marchbanks, Martin, McLemore, Meriwether, Miree, Moore of M. Moore of P. Morris, Morrison, Mundy, Murphey, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of T. Tate, Valliant, Walker, Winston of DeK. and Winston of S.—57.

*Mr. Cuthbert* having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the county court of Mobile county, for and during the term prescribed by the constitution.

The two Houses then proceeded to elect a Judge for the county court of Marion county—*John T. Saunders* and *Tazewell W. Trice*, being in nomination.

Those who voted for *Mr. Trice*, are messrs. Hudson, Phillips and Rodgers, of the Senate; messrs. Banks, Barron, Clay, Cooper, Crowder, Cunningham, Dear, Dunn, English, Erwin, Garland, Gresham, Griffin, Hendrix, Jones of Con. Kennedy of L. Kidd, McClung, McLemore, Morgan of C. Norris, Oliver, Pettit, Rice, Richeson, Scott, Smith of T. Storrs, Valliant, Walker, Ware, Watts and Winston of DeK.—36.

Those who voted for *Mr. Saunders*, are messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hunter, King, McClanahan, McVay, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F. of the Senate; Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, Fowler, Gamble, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, Miree, Moore of M. Moore of P. Morris, Morgan of A. Mundy, Murphey, Pickett, Pynes, Roby, Richeson, Skipper, Tate, Turner, Whorton, Williams of P. Winston of S. and Woodward—73.

*Mr. Saunders* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the county court of Marion county, for the term prescribed by the constitution.

And then the House adjourned until to-morrow morning, at ten o'clock.

THURSDAY, December 22, 1842.

House met pursuant to adjournment.

Mr. Speaker laid before the House a certain communication from Stephen S. Ewing, President of the Branch Bank of the State of Alabama at Huntsville, transmitting a statement of the interest arising annually

from the surplus revenue, the amount paid to valueless sixteenth sections, &c.; which were referred to the committee on education.

Mr. Pettit introduced a bill to prevent surprise and injury to defendants, in execution, approved, January twenty-fourth, eighteen hundred and thirty-nine.

Mr. Norman introduced a bill to authorize the trustees of the University, to refund money in certain cases.

Mr. Mundy introduced a bill to impose certain duty on constables.

Which were severally read the first time and ordered to a second reading.

Mr. English presented the account of Thomas H. Wilson; which was referred to the committee on accounts.

Mr. Oliver presented the petition of John J. Harper and others; and also the petition of S. C. Watkins and others; which were referred to a select committee—consisting, of the delegation from the counties of Macon, Chambers and Russell.

Mr. Erwin introduced a bill to provide for the distribution of certain documents among the several counties in the State; which was read the first time and ordered to a second reading.

Mr. Rice presented the petition of Lewis Johnson and others; which was referred to the committee on propositions and grievances.

Mr. Hodges introduced a bill to incorporate the town of Troy.

Mr. Bishop introduced a bill to restrict the jurisdiction of the county courts of Talladega and Cherokee counties; which was read the first time and ordered to a second reading.

Ordered, that leave of absence be granted to Mr. Smith of P. until Thursday next; to Mr. Turner of Washington county, for ten days; and Mr. Morrison for eight days.

Ordered, that Mr. Winston of De Kalb, be added to the committee on county boundaries.

The House proceeded to the consideration of the bill to authorize clerks of courts and justices of the peace, to issue executions in certain cases.

Mr. Barclay withdrew his motion to postpone indefinitely.

Mr. Campbell moved to amend in writing.

The hour of eleven having arrived, the House proceeded to the consideration of the special order, it being the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question was first taken on the first amendment proposed by the committee, to wit: in the sixth section, strike out the words "four," when it occurs in the "fourth" line of the ninth section, and insert "two."

A division of the question was called for, and the question was first taken on striking out; and carried.

Mr. Campbell then moved to fill the blank with the word three; which was carried.

On the first amendment of the committee, proposing to strike out the words "twenty-five hundred" and insert "eighteen hundred;" the yeas and nays were demanded.

Those who voted in the affirmative, are messrs. Speaker, Abernathy, Banks, Barron, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Marchbanks, Martin, McClung, McCoy, McLe-more, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Murphey, Norris, Oliver, Pickett, Porter, Pynes, Richeson, Smith of L. Smith of T. Storrs, Valliant, Walker, Watts, Williams of J. Williams of P. Witherspoon, and Woodward—73.

Those who voted in the negative, are messrs. Barclay, Bishop, Cain, Dortch, Douglass, English, Gresham, Griffin, Hendrix, Lankford, Mundy, Norman, Pettit, Rice, Robinson, Roby, Scott, Skipper, Tate, Ware, Winston of DeK. and Winston of S.

The question was then taken on the third amendment proposed by the committee, to wit: after the word "portion" in the sixth line of the eighth section, insert "and the said lands shall be vested in the President and Directors of the said Bank, and their successors for that purpose;" which was carried.

Mr. Morrisett moved to strike out all after the enacting clause.

On motion of Mr. Morrisett, the further consideration of the bill was postponed until to-morrow, at eleven o'clock, and made the special order for that hour.

The House then proceeded to the consideration of the resolution offered by Mr. Hubbard, in relation to the basis of congressional representation.

Mr. Cooper moved to postpone the consideration of the resolution, until the first Monday in January next; which was carried.

Mr. Scott from the committee on enrolled bills, reported as enrolled—

An act to compensate Henry Farrer, for a slave executed in pursuance of law:

An act to organize the county of Coffee;

And an act to change the name of county seat of Cherokee county.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

An act from the House of Representatives, for the relief of Henry Farrer:

And an act for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county, in which they ask the concurrence of the House.

And then the House adjourned until to-morrow morning, at ten o'clock.

FRIDAY, December 23d, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller of the State.

COMPTROLLER'S OFFICE, }  
 DECEMBER 23d, 1842. }

*Honorable John Erwin, Speaker of the House of Representatives:*

SIR—I hand you the accounts of D. Chandler, James S. Rae and James C. Locke, which you will please lay before the House of Representatives.

Respectfully, &c.,

(Signed,)

J. C. VAN DYKE.

The communication and accounts were referred to the committee on accounts.

Mr. Pettit introduced a bill to change the time of holding the fall term of the circuit court of the sixth judicial circuit; which was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. Pettit, referred to the committee on the judiciary.

Mr. Pettit introduced a bill to change the time of holding the chancery courts of the southern chancery division; which was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. Pettit, referred to the committee on the judiciary.

Mr. Abernathy introduced a bill to alter the mode of assessing taxes in Benton county and for other purposes; which was read the first time and ordered to a second reading.

Mr. Martin introduced a bill in relation to the institution of suits by Bank of the State of Alabama and its several Branches, was read the first time, and the House refused to order the bill to a second reading.

Mr. Kendrick introduced a bill to vest in Mary Ford, wife of Noah Ford, certain rights and privileges therein named, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Clay presented the account of Philip Woodson, jr.; which was referred to the committee on accounts.

Mr. Henley presented the record of divorce in the case of Melvina Hundley against John Hundley; which was referred to the committee on divorce and alimony.

Mr. Henley introduced a bill to add a portion of Wilcox county to Marengo county:

Mr. Campbell introduced a bill to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes:

Which were read the first time and ordered to a second reading.

A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor did, on this day, approve and sign bills which originated in the House of Representatives, of the following titles, to wit:

An act to compensate Henry Farrer for a slave executed in pursuance of law:

And an act to organize the county of Coffee.

Mr. Gardner introduced a bill to compensate the Judge of the county court of Pickens county, in certain cases, and for other purposes; which was read the first time and ordered to a second reading.

Ordered, that Mr. Cain have leave of absence till Tuesday next; Mr. Henley for six days; and Mr. Earle till Friday next.

Mr. Gresham introduced a bill to exempt certain property therein mentioned from levy and sale by execution; which was read the first time and ordered to a second reading.

The hour of eleven having arrived, the House proceeded to the consideration of the special order, it being the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile—

The question was taken on Mr. Morrisett's motion to strike out all after the enacting clause; which was decided in the negative: Yeas 2—Nays 76.

Those who voted in the affirmative are, Messrs. Morrisett and Hubbard.

Those who voted in the negative are, Messrs. Speaker, Abernathy, Banks, Barclay, Baron, Bishop, Bridges, Caffey, Calhoun, Campbell, Clay, Cooper, Crowder, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Tate, Valliant, Walker, Ware, Watts, Williams of J. Winston of S. Wither-  
spoon and Woodward.

Mr. Cooper introduced joint resolutions in relation to the two per cent fund; which were read, and Mr. Smith of L. moved to postpone the resolutions indefinitely.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the following bills:

A bill to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers:

A bill to reduce the salaries of the Bank officers:

A bill to change the time of holding the winter session of the county court of Talladega, and for other purposes:

A bill explanatory of certain joint resolutions therein named:

A bill to revive and continue the President and Trustees of the Pine-land Academy, in Mobile, as a body corporate:

A bill for the relief of James T. Lindsey:

A bill for the relief of George H. Garrett, and to extend the pardoning power:

A bill authorizing the Judge of the county court of Lowndes to sell certain lands, the property of Robert C. and Matilda F. Beattie:

A bill to amend an act to authorize the guardians of minors, lunatics, and idiots, to receive and remove from the State any property to which such ward may be entitled when both ward and guardian reside out of the State, or to remove the same from one county to another in this State, approved February second, eighteen hundred and thirty-nine;

A bill to amend an act to regulate punishment under the Penitentiary system ;

**A bill to facilitate certain criminal prosecutions :**

Also a bill from the House of Representatives, authorizing the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes in their respective courts—and have amended the bill and caption as therein shown; in which the concurrence of the House is requested.

And then the House adjourned until to-morrow morning at ten o'clock.

SATURDAY, December 24, 1842.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from John Mar-  
rast, President of the Bank of the State of Alabama, with a detailed statement of the account of the State University with said Bank: also a statement of the indebtedness of the University to said Bank; which was read.

Mr. Smith of T. moved to refer the communication and accompanying document to the select committee on the University bill; which was carried.

Mr. Speaker laid before the House a communication in reply to the resolutions of the House of the seventeenth instant, containing a statement of the extra payment to Bank officers; which was read and ordered to lie on the table, and one hundred and fifty copies to be printed for the use of the House.

Mr. Pettit presented the petition of Seaborne J. Flake, and sundry other citizens of Barbour county; which was read and referred to a select committee composed of the delegation from Barbour county.

(Mr. Walker in the chair,) Mr. Erwin of Greene, (Speaker,) offered joint resolutions relative to the Branch of the Bank of the State of Alabama at Mobile; which was read the first time.

Mr. Campbell moved to amend by striking out the words "at Mobile," and insert the words "the several Branches thereof."

Mr. Calhoun moved to refer the joint resolutions to a select committee of five members, with instructions to report on Monday next, at eleven o'clock; which motion prevailed.

Whereupon, Messrs. Calhoun, Morrisett, Walker, Jackson and Erwin, were appointed said committee.

Ordered, that leave of absence be granted to Mr. Mitchell for two days; Mr. Moore of P. until Wednesday next; Mr. Williams of P. until Thursday next; and Mr. Miree until Monday, January second.

Mr. Hubbard moved to suspend the further consideration of the morning business, for the purpose of taking up the bill and amendments reported by the select committee, to whom was referred the bill for the reduction of the salaries of certain public officers therein named.

Mr. Moore of M. moved to suspend the orders of the day; which was carried.

Leave being granted, Mr. Campbell withdrew his motion for the indefinite postponement of the bill.



Leave being granted, Mr. Martin withdrew his motion to amend by striking out the clause of the bill relating to chancellors.

Mr. Campbell moved to amend by striking out all except that clause which relates to the salaries of the supreme court judges.

Message from the Senate, by Mr. Clitherall :

Mr. Speaker—I am instructed to inform your honorable body that the Senate has passed a bill entitled an act for the relief of William R. Bracken.

Mr. McClung moved to adjourn until Monday morning, ten o'clock ; which was lost—Yeas 36, Nays 46.

Those who voted in the affirmative, are messrs. Speaker, Abernathy, Bothwell, Bridges, Calhoun, Clay, Cochran, Crowder, Dortch, Douglass, English, Fletcher, Gamble, Gasque, Gresham, Hill, Jackson, Jones of Conecuh, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, McLemore, Marchbanks, Martin, McClung, Meriwether, Miree, Morgan of A. Murphey, Norman, Porter, Rice, Roby, Skipper, Storrs, Tate and Walker.

Those who voted in the negative, are messrs. Banks, Barclay, Bishop, Caffey, Campbell, Cooper, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, Findley, Fowler, Gardner, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Hodges, Hubbard, Jones of G. Kendrick, Lankford, McCoy, McMillion, Moore of M. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Scott, Valliant, Ware, Watts, Williams of J. Winston of DeK. Winston of S. and Woodward.

Mr. Smith of T. moved to adjourn until half past nine o'clock, Monday morning ; which was lost.

YEAS—Messrs. Speaker, Bothwell, Bridges, Calhoun, Crowder, Dunn, English, Fletcher, Gamble, Gasque, Gresham, Hill, Hodges, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of M. Kidd, Martin, McClung, McLemore, McMillion, Meriwether, Miree, Morgan of A. Norman, Oliver, Rice, Roby, Skipper, Smith of T. Storrs and Tate.

NAYS—Messrs. Abernathy, Banks, Barclay, Bishop, Caffey, Campbell, Clay, Cochran, Cooper, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Erwin, Findley, Fowler, Gardner, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Hubbard, Jackson, Jones of G. Lankford, Marchbanks, McCoy, Moore of M. Morrisett, Mundy, Murphey, Norris, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Scott, Valliant, Walker, Ware, Watts, Williams of J. Winston of DeK. Winston of S. and Woodward.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled an act for the relief of William R. Bracken.

Mr. McLemore, from the select committee to which was referred the petition of the citizens of Auburn, in the county of Macon, reported a bill to amend an act to incorporate the town of Auburn, in the county of Macon.

Mr. Rice moved that the House do now adjourn until Monday, at ten o'clock ; which was lost.

YEAS—Messrs. Speaker, Abernathy, Banks, Bothwell, Caffey, Clay, Cooper, Crowder, Dortch, Dunn, English, Fletcher, Gamble, Gasque,

Harris, Harrison, Henderson, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of M. Kidd, Martin, McClung, McMillion, Meriwether, Miree, Murphey, Norman, Oliver, Porter, Rice, Roby, Skipper, Smith of T. and Tate.

NAYS—Messrs. Barclay, Bridges, Bishop, Campbell, Cunningham, Dear, Douglass, Dubose, Dunklin, Erwin, Findley, Fowler, Gardner, Garland, Griffin, Hendrix, Hubbard, Jones of G. Lankford, Marchbanks, McCoy, Moore of M. Morrisett, Mundy, Norris, Pickett, Pynes, Richeson, Robinson, Scott, Valliant, Walker, Ware, Watts, Williams of J. Winston of DeK. Winston of S. and Woodward.

Mr. Kidd moved that the House do now adjourn until Monday next, at half past nine o'clock; which was carried—Yeas 40, Nays 37.

YEAS—Messrs. Speaker, Abernathy, Banks, Bothwell, Bridges, Clay, Cooper, Crowder, Dortch, Dunn, English, Fletcher, Gamble, Gasque, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of M. Kidd, Marchbanks, Martin, McClung, McMillion, Meriwether, Murphey, Norman, Oliver, Rice, Roby, Skipper, Smith of T. Tate and Watts.

NAYS—messrs. Barclay, Bridges, Calhoun, Campbell, Cunningham, Dear, Douglass, Dubose, Dunklin, Erwin, Findley, Fowler, Gardner, Garland, Griffin, Jones of G. Lankford, McCoy, Miree, Moore of M. Morrisett, Mundy, Norris, Pickett, Porter, Pynes, Richeson, Robinson, Scott, Valliant, Walker, Ware, Williams of J. Winston of DeK. Winston of S. and Woodward.

So the House adjourned until Monday morning, at half past nine o'clock.

MONDAY, December 26, 1842.

The House met pursuant to adjournment.

On motion of Mr. Rice,

*Resolved*, That the Doorkeeper of the House of Representatives be authorized to purchase necessary buckets and tackle for the use of the well upon the capitol grounds.

Mr. McMillion introduced a bill to run and mark the line between the counties of Shelby and Jefferson; which was read the first time and ordered to a second reading.

Mr. Valliant presented the petition of Caleb Borden and Lankford Wesson; which was referred to the committee on the judiciary.

Mr. Douglass introduced a bill to authorize the commissioners of township one, range ten, west, to do certain acts therein named—together with a petition.

The petition was laid on the table. The bill was read the first time and ordered to a second reading.

Mr. Douglass presented the petition of Samuel W. Probasco and others; which was read and referred to the committee on the judiciary.

Mr. Dunklin introduced a bill in relation to the judge of the county court of Lowndes county; which was read the first time and ordered to a second reading.

Mr. Campbell introduced a bill for the retrenchment of expenses in judicial proceedings; which was read the first time, rule suspended, read the second time forthwith.

Mr. Jones of G. moved to amend in writing.

Mr. Porter moved that the bill and amendment be referred to the committee on the judiciary—which was carried.

Mr. McCoy introduced a bill, further to amend the charter of the Alabama Life Insurance and Trust Company; which was read the first time, and ordered to a second reading.

Mr. Rice introduced a bill to authorize the Governor to appoint a steward for the University of Alabama in certain cases—which was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. McClung, referred to the committee on education.

Mr. Roby presented the account of Stephenson and Galloway; which was referred to the committee on public printing.

Mr. Ware introduced a bill for the relief of certain persons therein named; which was read the first time, and ordered to a second reading.

Mr. Kidd introduced a petition; which was referred to the delegation from the county of Shelby.

Mr. Winston of S. presented the petition of T. W. C. Wingate and others; which was referred to a select committee, composed of the delegation from the county of Sumter.

Mr. Gresham introduced a bill to amend an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county; which was read the first time and ordered to a second reading.

Mr. Gresham introduced a bill to amend an act entitled an act to restrain excessive taxation for county purposes, in the county of Tallapoosa.

Mr. Gresham also introduced a bill to amend an act to incorporate the Tallapoosa manufacturing company; which were severally read the first time and ordered to a second reading.

Mr. Smith of T. presented the petition of sundry citizens of Tuscaloosa, Bibb, Shelby and Jefferson counties, praying the legislature to create a new county; which was read and referred to a select committee, composed of the delegations from Tuscaloosa, Bibb, Shelby, and Jefferson counties.

Mr. Dear presented the petition of sundry citizens of Wilcox county in relation to the banking system; which was referred to the committee on the State Bank and Branches.

Mr. Speaker laid before the House a communication from the Comptroller of the State, as follows:

*Hon. John Erwin, Speaker of the House of Representatives:*

Sir—I hand you the accounts of Wm. Long, A. G. Carter, A. G. Carter, and A. G. Carter,, which you will please lay before the General Assembly.

(Signed,)

J. C. VAN DYKE.

The letter and accounts were referred to the committee on accounts.

Mr. Barclay moved to take up the message from the Senate, containing the bill to change the time of holding the county courts of Talladega county; which was carried:

The bill to change the time of holding the county court of Talladega county, and for other purposes, was read the first time—rule suspended—read the second time forthwith—rule suspended further—read the third time forthwith, and passed.

Mr. Hubbard moved to suspend the farther consideration of the message from the Senate, and that the House proceed to the consideration of the bill to reduce the salaries of certain public officers therein named—which was carried:

Mr. Campbell moved to strike out from the amendment proposed by the select committee, so much as relates to the salaries of the Judges of the Supreme court, and insert—the salaries of the Judges of the Supreme court shall be two thousand two hundred and fifty dollars for each of them; and the Judges of that court shall perform all the duties heretofore attached to the office of reporter.

The yeas and nays were demanded:

**YEAS**—messrs. Speaker, Abernathy, Bothwell, Caffey, Calhoun, Campbell, Cochran, Cooper, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Gasque, Gresham, Harrison, Henderson, Hodges, Jones of G. Kendrick, Kenndy of L. Martin, McClung, McCoy, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pickett, Porter, Robinson, Storrs, Ware, Watts, Winston of S. and Woodward.

**NAYS**—messrs. Banks, Barclay, Bishop, Bridges, Cain, Crowder, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Hendrix, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Murphey, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of T. Tate, Valliant, Walker, Williams of J. and Winston of DeKalb.

The House refused to strike out.

Mr. English moved to refer the bill to the committee on the judiciary, with instructions to amend the bill, so as to incorporate a provision abolishing the present Chancery Courts—re-vesting Chancery jurisdiction in the Judges of the several Circuit Courts; abolishing one of the judicial circuits, and allowing the salaries of said Judges to remain at two thousand dollars.

Mr. Rice moved to lay the motion on the table; which was carried.

The question then recurred on concurring in the report of the committee; which was carried, and the amendment of the committee adopted.

Mr. Winston of S. moved to reconsider the vote, concurring in the report of the committee; which was carried—yeas, 42—nays, 37.

**YEAS**—Messrs. Speaker, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Gasque, Gresham, Harrison, Henderson, Hodges, Jones of G. Kendrick, Kennedy of L. Martin, McClung, McCoy, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pickett, Porter, Robinson, Skipper, Smith of T. Storrs, Ware, Watts, Winston of S. and Woodward.

**NAYS**—Messrs. Banks, Barclay, Bishop, Cain, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris,

Hendrix, Hubbard, Jones Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Murphey, Pynes, Rice, Richeson, Roby, Scott, Smith of L. Tate, Valliant, Walker, Williams of J. and Winston of DeK.

Mr. Bridges moved to reconsider the vote rejecting Mr. Campbell's amendment; which was carried—yeas 42—nays 38.

YEAS—Messrs. Speaker, Abernathy, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Gasque, Gresham, Harrison, Henderson, Hodges, Jones of G. Kennedy of L. Martin, McClung, McCoy, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Porter, Robinson, Skipper, Smith of T. Storrs, Ware, Watts, Winston of S. and Woodward.

NAYS—Messrs. Banks, Barclay, Bishop, Cain, Crowder, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Hendrix, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Murphey, Pynes, Rice, Richeson, Roby, Scott, Smith of L. Tate, Valliant, Walker, Williams of J. Winston of DeK.

The question was then taken on the adoption of the amendment proposed by Mr. Campbell—the amendment was adopted—yeas 43—nays 39.

YEAS—Messrs. Speaker, Abernathy, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Gasque, Gresham, Harrison, Henderson, Hodges, Jones of G. Kendrick, Kennedy of L. Martin, McClung, McCoy, McLemore, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pickett, Porter, Richeson, Smith of T. Storrs, Ware, Watts, Winston of S. and Woodward.

NAYS—Messrs. Banks, Barclay, Bishop, Cain, Crowder, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Hendrix, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Murphey, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Tate, Valliant, Walker, Williams of J. and Winston of DeK.

Mr. Smith of T. moved to amend by additional proviso, as follows: "Provided, that whenever any opinion of the court shall be of such a length as to occupy more than three pages in print, the same shall not be printed at the expense of the State, but only an abstract therefrom, containing an accurate statement of the points decided."

Mr. Watts moved to lay the amendment on the table; which was carried—yeas 54, nays 30.

YEAS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Crowder, Dear, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, McCoy, McLemore, McMillion, Moore of M. Morgan of A. Morrisett, Mundy, Murphey, Norris, Oliver, Pickett,

Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Tate, Valliant, Walker, Watts, Williams of J. Winston of DeK. and Woodward.

**NAYS**—Messrs. Calhoun, Campbell, Clay, Cochran, Cooper, Cunningham, Dortch, Dunn, English, Erwin, Gasque, Gresham, Harris, Henderson, Hodges, Jackson, Kidd, Martin, McClung, Meriwether, Morgan of C. Norman, Porter, Robinson, Smith of T. Storrs, Ware and Winston of S.

Mr. Campbell moved to amend the amendment of the committee, by striking out "fifteen hundred," as the salary of the circuit Judges and Chancellors, and inserting the words, "seventeen hundred and fifty;" which was lost—yeas 39, nays 45.

**YEAS**—Messrs. Speaker, Abernathy, Bothwell, Calhoun, Caffey, Campbell, Clay, Dear, Dortch, Dunklin, Dunn, English, Erwin, Gasque, Gresham, Jackson, Jones of G. Kendrick, Kennedy of L. Martin, McClung, McCoy, McLemore, Morgan of A. Morgan of C. Morrisett, Murphey, Norman, Oliver, Pickett, Porter, Robinson, Skipper, Tate, Ware, Watts, and Woodward.

**NAYS**—Messrs. Banks, Barclay, Bishop, Bridges, Cain, Crowder, Cunningham, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Norris, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Valliant, Walker, Williams of J. and Winston of DeK.

Mr. Martin moved to amend, by striking out the words "fifteen," from the amendment of the committee, and insert the word "sixteen."

Mr. Hubbard called for a division of the question; which was first taken on striking out, and lost—yeas 41, nays 43.

**YEAS**—messrs. Speaker, Abernathy, Bothwell, Caffey, Calhoun, Campbell, Clay, Dear, Dortch, Dunklin, Dunn, English, Erwin, Gasque, Gresham, Harrison, Jackson, Jones of G. Kendrick, Kennedy of L. Kidd, Martin, McClung, McCoy, McLemore, Morgan of A. Morgan of C. Morrisett, Murphey, Norman, Norris, Oliver, Pickett, Porter, Robinson, Skipper, Tate, Ware, Watts, Winston of S. and Woodward.

**NAYS**—messrs. Banks, Barclay, Bishop, Bridges, Cain, Cooper, Crowder, Cunningham, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harris, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Kennedy of M. Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Mundy, Pynes, Rice, Richeson, Roby, Scott, Smith of L. Smith of T. Storrs, Valliant, Walker, Williams of J. and Winston of DeK.

The House refused to strike out.

Mr. Findley moved to strike out the words "twenty-five hundred," from the amendment proposed by the committee for the salary of the Governor, for the purpose of inserting "twenty-two hundred and fifty;" which was lost.

So the House refused to strike out.

The amendment of the committee as amended, was then adopted.

Mr. Jackson moved to amend by additional section, as follows:

*Be it further enacted*, That the salaries of the officers herein enumerated shall be paid in specie or its equivalent.

Mr. Calhoun called for the previous question; which was sustained—yeas 49, nays 35.

YEAS—Messrs. Banks, Barclay, Bishop, Bothwell, Caffey, Calhoun, Crowder, Cunningham, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Harrison, Henderson, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, McMillion, Meriwether, Morgan of A. Mundy, Norman, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Abernathy, Bridges, Cain, Campbell, Cochran, Cooper, Dunn, English, Erwin, Gasque, Gresham, Harris, Hodges, Jackson, Jones of G. Kidd, Martin, McClung, McCoy, McLemore, Moore of M. Morgan of C. Morrisett, Murphey, Norris, Oliver, Porter, Smith of T. Tate, Ware, Watts, Winston of S. and Woodward.

The bill was considered as engrossed and recurred on its third reading forthwith.

Mr. Jackson moved to add his amendment by way of engrossed rider; which was lost—yeas 3, nays 86.

YEAS—Messrs. Jackson, Morgan of A. and Morrisett.

NAYS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Moore of M. Morgan of C. Mundy, Murphey, Norman, Norris, Oliver, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Storrs, Valliant, Tate, Walker, Ware, Watts, Williams of J. Winston of DeK. Winston of S. and Woodward.

The bill passed.

The title of the bill was amended so as to read, A bill to be entitled an act regulating the salaries of certain officers therein named.

Ordered, that the bill be sent to the Senate for its concurrence.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the following bills, which originated in the House of Representatives:

A bill for the relief of James Pickens:

A bill to abolish brigade encampment drills in this State, and for other purposes:

Joint resolutions proposing amendments of the Constitution of the State of Alabama.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

A bill to provide for the sale of land and slaves in the town of Decatur in certain cases:

A bill relative to the commissioners of roads and revenue in the counties of Montgomery and Lowndes.

A bill extending certain privileges to Alexander Findley of De Kalb county:

And a bill for the relief of John B. Herron.

Mr. Campbell offered the following resolution:

*Resolved*, That the bill to be entitled an act to regulate the Branch of the Bank of the State of Alabama, at Mobile, be made the special order of the day, for Tuesday, at twelve o'clock, M., and that it be continued the special order of the day, at that hour, until finally disposed of, and that after the final disposition of that bill, that the bills reported by the committee on the State Bank and Branches, shall be made the special order of the day, at the same time of each day, in the order of the report, until the final disposition of the bills reported.

Mr. Hubbard moved to strike out all after the word "and," where it last occurs; which was lost.

Mr. Kennedy of L. moved to amend as follows:

*Resolved further*, That the House hereafter, when it holds night sessions, shall call the counties alphabetically, and all the local bills of each county shall be taken up and acted on, until the call of the counties is gone through.

Mr. Rice moved to lay the amendment on the table; which was carried:

The resolution was then adopted.

Mr. Winston of S. moved that the House do now adjourn until ten o'clock; which was lost—yeas 27, nays 50.

**YEAS**—Messrs. Speaker, Bothwell, Cain, Calhoun, Crowder, Douglass, Gasque, Gresham, Harris, Henderson, Harrison, Jackson, Jones of Cov. Kendrick, McCoy, Morgan of C. Murphey, Norman, Oliver, Rice, Scott, Skipper, Smith of T. Storrs, Valliant, Winston of S. and Woodward.

**NAYS**—Messrs. Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Campbell, Clay, Cooper, Cunningham, Dear, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Griffin, Hendrix, Hill, Hodges, Hubbard, Jones of G., Kidd, Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Moore of M. Morgan of A. Morrisett, Mundy, Norris, Pickett, Porter, Pynes, Richeson, Roby, Tate, Walker, Ware, Watts, Williams of J. and Winston of DeK.

On motion of Mr. Rice, the House adjourned until to-morrow at half past nine o'clock.

TUESDAY, December 27, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House, a communication from the Presi-



dent of the Branch Bank at Decatur, shewing the amount paid to valueless sixteenth sections, &c.; which was referred to the committee on education.

Mr. Speaker laid before the House, a communication from J. C. Van Dyke, Comptroller, transmitting the accounts of Joseph Allen and Calvin J. Gully; which were referred to the committee on accounts.

Mr. Pettit introduced a bill to repeal an act, entitled an act to prevent the institution of illegal and oppressive suits in the United States Courts in this State; which was read the first time and ordered to a second reading.

Mr. Abernathy presented the petition of James D. Nichols, and others; which was referred to the committee on education.

Mr. Hendrix presented a petition; which was referred to the committee on roads, bridges, and ferries.

Mr. Hendrix introduced an act to amend an act to authorize tax collectors to receive in payment of taxes certain claims therein named.

Mr. Jones of Cov., introduced a bill for the relief of tales jurors in the Covington.

Mr. Skipper introduced a bill to locate the site of justice in the county of Dale, and for other purposes; which were severally read the first time and ordered to a second reading.

Mr. Douglass introduced a petition; which was read and referred to the delegation from Lauderdale county.

Mr. McClung introduced a petition from Bryant Cobb, and others; which was referred to the committee on roads, bridges, and ferries.

Mr. Kennedy of M., introduced a bill the more effectually to secure the cost of constables in the county of Marion; which was read the first time and ordered to a second reading.

Mr. Erwin presented a petition which was referred to the delegation from the county of Mobile.

Mr. Erwin introduced a joint resolution in relation to the payment of the General Assembly of the State of Alabama; which was read the first time and ordered to a second reading.

Mr. Rice introduced a bill to authorize Aaron A. Burleson to establish a ferry in the county of Morgan; which was read the first time and ordered to a second reading.

Mr. Smith of T., introduced a bill for the relief of Abel Poole; which was read the first time, rule suspended, and read the second time forthwith.

Mr. Barclay moved to refer the bill to the committee on propositions and grievances; which was lost.

Mr. Calhoun moved to refer the bill to the committee on accounts; which was carried.

The House proceeded to the consideration of the bill to authorize the clerks of courts, and justices of the peace, in certain cases, to issue executions against plaintiff in execution in certain cases.

Mr. Calhoun moved to strike the first section from the enacting clause, and insert the amendment proposed by Mr. Campbell;

Mr. Barclay moved to refer the bill and amendment to a select committee, consisting of one member from each judicial circuit.

Mr. Winston of DeK., moved to amend Mr. Barclay's motion, by adding, "with instructions to report a general fee bill, and a bill regulating the fees of registers and masters in chancery"; which was adopted.

The question was then taken on the motion of Mr. Barclay, as amended: which was carried—yeas 66, nays 11.

YEAS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Clay, Crowder, Cunningham, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hubbard, Jones of Conecuh, Jones Cov., Kendrick, Kennedy of L., Kennedy of M., Lankford, Martin, McMillion, Meriwether, Moore of M. Morgan of A. Morgan of C. Mundy, Murphey, Norris, Oliver, Pickett, Porter, Pynes, Rice, Riche-son, Roby, Scott, Smith of T., Tate, Valliant, Ware, Watts, Williams of J., Winston of DeK., Winston of S., and Woodward.

NAYS—Messrs. Campbell, Dear, Jackson, Jones of G. Kidd, McClung, Pettit, Robinson, Skipper, Smith of L. and Storrs.

Mr. Jones of G. from the committee on the judiciary, to which was referred so much of the Governor's message as relates to the Digest of laws prepared by C. C. Clay, Esq., made the following report:

The committee on the judiciary to whom was referred so much of the Governor's message as relates to the Digest of our statute Laws, and the Digest itself, with the accompanying communication from the digester, and the report of the commissioners who examined the same, have had under consideration the several documents referred to them.

From the large quantity of other important business referred to the committee, they have not been to make a full and thorough examination of the new Digest. It seemed to your committee, that all that was requisite, or could be expected of them, was to examine the Digest so far as to be able to form a correct opinion, and report to the House, whether the new Digest had or had not been made in a faithful and judicious manner, and in conformity with the requirements of the Constitution, and the act of the Legislature under which the work was undertaken, so as to enable the Legislature to determine whether it should or should not be received. It is a subject of regret with the committee that upon this question they have not been able to agree unanimously: a majority of the committee are clearly and decidedly of opinion, the compilation submitted to them as a Digest of our statute laws, has not been made in the manner required by the Constitution and the law, and that it ought not to be received and adopted by the Legislature.

The majority of the committee conceives, that it is due to themselves, to the digester and to the Legislature to state plainly and briefly, the reasons which have forced them most reluctantly, to form and declare the opinion above expressed.

It will be conceded by all, that it is of great importance in every community, that the laws which regulate and affect the property, liberty and lives of the citizens should be as plain and intelligible as it is

possible to make them. Every thing like prolixity, confusion, and uncertainty should be studiously avoided. If it were possible, that statutes should be made so clear and certain as to be easily known and understood by men of the most ordinary capacity, and least cultivated minds. The committee do not suppose, that it is possible to attain to this degree of simplicity and perfection, in forming any code of laws for a highly civilized community, engaged like ours, in complicated, extensive and diversified pursuits. Whilst the committee have not expected this perfection in any Digest, they have considered that the only legitimate and useful end to be attained by a Digest, was to make our statutes approximate this clearness and simplicity, more nearly than they did in their original shape.

In a free and comparatively new country like ours, settled by emigrants from various States and countries, differing in the institutions and laws, it was easy to foresee that frequent and important changes in our laws would be made. Such being the state of our country and the character of our population and our Legislature meeting every year, it was inevitable, that in any long series of years our statutes would become too numerous and complex, and often contradictory and inconsistent, so as to produce in our laws a degree of confusion, doubt and uncertainty, highly prejudicial to the community. It is, therefore, peculiarly important in our State, that this pernicious tendency should be guarded against and remedied, by a thorough revision and digest of our statutes, at proper intervals of time. This is provided for in our Constitution. The twentieth section of the sixth article of our Constitution, is in these words, "Within five years after the adoption of this Constitution, the body of our laws, civil and criminal, shall be *revised, digested* and arranged under proper heads, and promulgated in such a manner as the General Assembly may direct, and a like *revision, digest* and *promulgation* shall be made within every subsequent period of ten years." The last Digest of our statutes under this provision of the Constitution, is that made by John G. Aikin, Esq., ten years ago. The committee have no disposition to detract any thing from the merits of Mr. Aikin's Digest, but as that work furnishes not merely the model and ground work, but constitutes the main body of the compilation referred to us, the committee, feel at liberty to express the opinion, that Aikin's Digest, is not a standard of perfection, from which there should be no departure. On the contrary, it may be asserted without disparagement to Mr. Aikin's arduous and useful labors, that there are defects in that work, which any succeeding digester should have seen and avoided. Since the publication of Aikin's Digest many new statutes have been passed and important changes made in the laws then in force—a new and thorough revision and digest of our statutes was needed.

The Legislature, at its last session, made suitable and liberal provision for this purpose, by authorizing the Governor to appoint a digester and providing that he should receive for the work, when compiled, at least two thousand dollars. The Governor, in the proper discharge of

his duties under the act, appointed a digester, the Honorable C. C. Clay, a lawyer of age and experience, who had filled the highest political and judicial offices in the State. From the liberal compensation provided by the Legislature, the importance of the work, the experience and learning of the agent appointed to execute it, it seems to your committee, that the Legislature and the State had a right to expect a work, which would be an improvement upon former digests; which, without altering the principles and effect of our statutes, would consolidate and simplify them and make them plain, consistent, and easily intelligible. The committee in the conscientious discharge of their duty are constrained to say, the compilation submitted to them, is far from being such a work. That the Legislature may form a correct idea of the manner in which the Digest has been made, the general plan which seems to have been followed by the digester will be stated. The leaves are cut out from a copy of Aikin's Digest and pasted in regular succession on blank sheets of paper, which are fastened together like a book. After the leaves composing any one head or title in Aikin's Digest have been pasted in, if subsequent acts or parts of acts have been passed relating to the subject matter, they are cut out from the pamphlet acts and pasted in under the proper heads in like manner. In a few instances, the digester has written out the law, some verbal alterations are made, and marginal notes added. The act of the Legislature under which the work was undertaken, expressly requires that the Digest should be submitted in manuscript to the commissioners to be appointed to examine it. It is not pretended that this has been done. The committee do not suppose that a failure to comply literally, with the law in this respect, ought to be regarded as an insuperable objection to the work; on the contrary, they think that where any statute remained unchanged, the digester might, with perfect propriety, use the printed pages, and omit the useless labor of re-writing the law. But where statutes had been materially changed or modified, or several statutes passed in relation to the same subject matter, the committee think they should have been digested and consolidated into one consistent whole. It is the failure to do this, that constitutes the main and substantial objection to the work, and makes it, in fact, a mere compilation instead of a Digest of the statutes. The cutting out of leaves from several books and pamphlets and pasting them in a blank book, under proper heads, with marginal notes, is a task which requires no learning, no exercise of high mental faculties. It is mere manual labor, which might be as well performed by any good clerk as by the ablest jurist, and could be accomplished in two months. It appears to the committee, that this is not what the Legislature intended to be done, when they provided the liberal sum of at least two thousand dollars, as the compensation to be paid. The Constitution requires that the laws should be revised, digested and arranged under appropriate heads. In the opinion of the committee, only one of these requirements is complied with in the compilation referred to us. The statutes may be arranged under appropriate heads; but we do not consider that they have been revised or digested. The agent has collected the materials, but has not done the work.

The effect of this neglect is to have ~~the statutes in more uncertainty,~~ inconsistency and confusion than they were before. It fills the statute book with useless verbiage and prolixity, under many of the titles a great deal that is obsolete or virtually repealed, is retained, and the first sections and the last are inconsistent and contradictory. The whole book would present a mass of verbiage, tautology and confusion, which your committee would regret extremely to see promulgated to the world as the revised statutes of the State of Alabama.

It would extend this report to an unnecessary length to give extracts from the work to support our opinions. It is before the House, and we trust that each member will examine for himself.

It would have been gratifying to the committee to have found reasons for eulogy instead of censure in the work submitted to them. The task they now perform is painful to them, but in the conscientious discharge of their duty to the House they could not do otherwise than state their opinion in candour and in truth.

Should the House concur in the opinion of the majority of the committee, it will become necessary for the Legislature in carrying out the provisions of the Constitution, to provide for making a proper Digest of our laws; but as a minority of the committee entertain different views, it has not been considered proper in anticipation of what may be the sense of the House, to offer any special measure for that purpose. They only deem it necessary to recommend that the Digest of the laws, prepared by the Hon. Clement C. Clay, and submitted to the House of Representatives, be not received and adopted. All of which is respectively submitted.

Mr. McClung from the committee to which was referred so much of the Governor's message as relates to the Digest of laws prepared by C. C. Clay, Esq., made the following report:

The undersigned members of the judiciary committee, to whom was referred the message of His Excellency the Governor, on the subject of the Digest of the laws prepared by the Hon. C. C. Clay, together with the Digest and the report of the commissioners appointed to examine and report thereon to the Legislature, beg leave to report—

That they have examined said Digest in connection with the act authorizing the same to be made, the report of the register and that of said commissioners.

The first section of the act referred to, directs the appointment of register, and prescribes his duty as follows: "The Governor shall as early as may be, appoint a suitable person, whose duty it shall be to compile under appropriate heads, all the statute laws of a public and general nature now in force in the State of Alabama, and shall provide a proper index with marginal notes to such digest."

The law under which Aikin's Digest was completed, was in precisely the same language, except as to the manner of appointing the Digester. The first appointment of a Digester having been by the Legislature, while the late law conferred the election to the Governor, in virtue of whose authority the Digest in question has been prepared. It appears from the correspondence of the Digester, and this fact is generally known to

one of the undersigned, that he entered on the performance of the duties incident to his appointment, with a promptitude and zeal which have uniformly characterized that gentleman in the discharge of official duties confided to him by the people and the legislature.

The first question for his consideration was, on what plan and in what manner the work was to be executed. On this subject he consulted the members of the Bar in his own vicinity, of the largest practice and greatest experience. He opened a correspondence with John G. Aikin, Esq., who compiled the late Digest, as early as the thirty-first of January last, and afterwards with the Judges of the Supreme Court, propounding every question necessary to elicit a full and free communication of the respective views, opinions and advice. This correspondence, to which the undersigned invite the attention of the House, evinces an ardent desire on the part of the Digester to render the work as perfect and as useful as practicable,—not only to the Bench and the Bar, but to the community at large. The Judges of the Supreme Court then at the seat of government, the late Digester and the members of the Bar, consulted personally, although responding separately and without consultation on the subject, replied substantially to the same effect. The Judges saying that it would be unwise to attempt any change in the plan of the Digest compiled by Mr. Aikin. If not the best, it is one with which the profession is familiar, and probably could not be bettered. Such was then, and is believed to be still, the opinion of a large majority of professional men whether on the Bench or at the Bar,—as well as of other respectable citizens acquainted with the plan and merits of Mr. Aikin's Digest. That work had been compiled under a law, as has been heretofore shown, precisely similar to the act of the last session of the Legislature; it had received the sanction of the General Assembly, by having been established as the code of our statute laws, to the conclusion of all the laws of a public and general nature,—except the laws relating to county boundaries which had been previously passed. With all these concurring testimonials of legislative, judicial, professional, and popular authority in its favor, the plan of Mr. Aikin was very naturally, and the undersigned think very properly, adopted.

The objection understood to be mainly relied on by the majority is, that the Digester has not condensed or consolidated all the laws on the same subject: in other words, has not codified them; and on this ground the undersigned understood them to maintain that they would have rejected Aikin's Digest. The power to codify and condense all the statutes on the same subject, is too delicate and too important to be confided to any single individual, however eminent his talents or abilities. It involves the right to do nothing less than to determine the construction of all seemingly conflicting laws;—to decide on and to give the result of all statutes relating to the same subject. Had the Digester pursued this course, the undersigned have no hesitancy in saying that he would have assumed powers more properly pertaining to the judicial tribunals of the State, and might easily have blended with that assumption, the sovereign authority of the Legislature itself. He would have rendered himself obnoxious to the severest animadversion, for having usurped and arrogated

powers not accorded to him by the Legislature; and those making such charges, might very plausibly have sustained themselves by referring to Aikin's Digest and the law under which it was made. They might have said, "Mr. Aikin was required to compile under appropriate heads, all the statute laws of a public and general nature." Yet he did not attempt to codify. His book has received the sanction of all the constituted authorities, and is justly regarded as a good work,—and why did not the present Digester, acting under law conferring precisely similar powers, follow his approved and good example? So far as legislative precedent is concerned, he would have incurred such a rebuke and censure most justly. Whether he would have been denounced as a usurper grasping at all power, legislative and judicial, the undersigned will not undertake to determine; but they are free to declare, that they would be unwilling to delegate a power so immense and so dangerous, to any one man. Such a power, if confided at all, should not be given to less than three of the most able and experienced lawyers of our State, and then the time for performing the task, should be more than nine or ten months. Such was the time limited by the provisions of the second section of the act under which the present work was compiled; and the undersigned do not hesitate to say that it would have been impossible for any single individual within that time to have performed the task required, in a manner which would merit approbation or entitle it to confidence. The act under which the work in question has been prepared, provides that the person appointed by the Governor "shall compile under appropriate heads, all the statute laws of a public and general nature now in force in the State of Alabama." What are the powers intended to be given by this act? Independently of the legislative construction heretofore given to an act of a similar phraseology, it is obvious that no other authority was contemplated than that of arranging under appropriate heads all the unrepealed laws, in the form given to them by the law-makers,—not altered, epitomized or condensed at the will of the register.

The plain meaning of the term compile as used in the act, confines the register to a simple collection of the laws under appropriate heads. If greater latitude had been intended by the Legislature, they would have employed language of unequivocal import.

The Constitutional provision on this subject is as follows: "within five years of the adoption of this Constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged under proper heads, and promulgated in such a manner as the General Assembly may direct; and a like revision digest and promulgation shall be made within every subsequent period of ten years." It is contended by those entertaining different views from those of the undersigned on this subject, that this requirement of the Constitution is paramount to the act of the last session and that although the act only gives the power to compile, a revision and digest should have been made. In this construction, the words, "in such manner as the General Assembly may direct," are lost sight of. In framing the law, it might perhaps, with some force, have been contended that a revision and digest should be made. But no one, it is presumed, can doubt the power of the Legislature to have passed

a law simply authorizing a compilation: and although, it may be admitted, that the spirit of the Constitution would best have been carried out, by giving the power to digest, revise and condense. Yet, there is nothing in that instrument which could prevent the Legislature from binding itself by a contract, to have the work done in any manner which they might think proper to direct. The Constitutional requirement, without the auxiliary force of a legislative enactment could confer no authority on any individual to make a digest or revision. The act in question says, that all the statute laws of a public and general nature shall be compiled under appropriate heads. It declares that "it shall be the duty of said digester to lay before three persons to be appointed by joint vote of both Houses of the General Assembly, one month before the next session thereof a manuscript of the digest of the laws made as aforesaid, who shall have power to decide on the correctness with which he has performed his duty; and if it appear, that he has faithfully performed his duty he shall receive such compensation as the Legislature shall allow, not less than "two thousand dollars." These provisions wisely and properly pre-supposes, what must be obvious to all acquainted with the business of legislation, the impossibility of a minute and accurate examination of such a work by a committee engaged in the ordinary business of the House, and charged with the consideration of other important subjects submitted to them. Hence, it refers the question of the correctness and the fidelity with which the duty is performed to three commissioners, to be appointed by joint vote of both Houses of the General Assembly.

The Legislature, it is true, omitted to make these appointments; but the Governor looking to the mandate of the Constitution that a Digest should be made "within every period of ten years," knowing that that period would expire with the present year, and believing that the public interest and convenience demanded as speedy publication of such a work as practicable, and conformably to executive practice and precedent, very properly appointed three gentlemen of great respectability and high legal attainments to make the examination required.

Here then is the contract between the State of Alabama and the digester appointed pursuant to the act in question. He was to do the work, and the three commissioners were vested with power to decide on the correctness with which he had performed his duty; if they should report that it had been faithfully performed, then the State was bound to pay for the service not less than two thousand dollars.

Although the undersigned, from the partial examination of the Digest, which their other engagements, have enabled them to make, are satisfied that it is a valuable work, compiled with great care, industry, and ability coming up fully to the requirements of the law, yet they feel relieved from the necessity of a critical analysis of its merits by the decision of those gentleman whose duty and power it was to decide on its fidelity and correctness. They say in their report, pursuing the plan and arrangement adopted in the last Digest by Mr. Aikin, he had collected together, in connexion with those contained in that volume all the public and general laws, subsequently passed, and arranged them



under the same or similar divisions or titles. For the adoption of this plan, there were many and strong reasons. Our people have become familiarized with the arrangement of Aikin's Digest. That work has met with the general approbation of the public, and especially, of the legal profession. Its imperfections are such as are incident to every statute book, in which the hand of the digester may not rectify by codification, the errors and confusion of widely scattered, and frequently inconsistent legislation. Usage and practice have, however, to a great extent, obviated these difficulties: the decisions of our supreme court have elucidated its intricacies and obscurities, and are based upon its method and divisions: it now possesses the greatest merit of a compilation—that of convenient and accurate reference. Again, they say: “in conclusion, the commissioners would say, they are satisfied that the digester devoted to the work much labor and attention, and that he has faithfully performed, according to his interpretation, the duty assigned him under the law of your last session; such labors are worthy of your commendation.

From the extracts, and from the whole tenor of the report of the commissioners, it will be seen that they have decided favorably on the correctness and fidelity with which the digester has discharged the duties which devolved on him in virtue of his appointment.

In conclusion, the undersigned beg leave to introduce herewith, “a bill to be entitled an act, to print, bind, and distribute the new Digest compiled by C. C. Clay, Esq, and for other purposes.”

The hour of twelve having arrived, the House proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama, at Mobile—it being the special order.

Mr. Campbell moved to amend the first section by inserting after the word “operation” where it occurs in the first section, the words “for the security and collection of its debts and;” which was adopted.

Mr. Campbell moved to amend the second section of the bill, by adding “and no such settlement shall be binding on the Bank, without the consent of the Governor in writing;” which was adopted.

Mr. Hubbard moved to amend the bill by inserting after the word “debt,” where it first occurs in the second section, the words “unless of that class reported bad or doubtful.”

Mr. English moved to amend the amendment of Mr. Hubbard, by striking out the word “reported.”

Mr. Campbell moved to lay the amendment of Mr. Hubbard on the table; which was carried—yeas 62, nays 19.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. Lankford, Martin, McClung, McMillion, Meriwether, Moore of M. Morgan of A. Mundy, Norris,

Pettit, Pickett, Porter, Pynes, Robinson, Smith of T. Storrs, Tate, Ware, Watts, Williams of J. Winston of S. and Woodward.

NAYS—Messrs. Banks, Cain, Douglass, Garland, Hubbard, Jones of Conecuh, Kennedy of M. Marchbanks, McCoy, Morgan of C. Morrisett, Norman, Rice, Richeson, Scott, Smith of L. Valliant and Walker.

Mr. Jones of G. moved to amend by striking out of the second section, the words, “without the concurrence of the President and all the Directors;” which was lost—Yeas 39, Nays 43.

YEAS—Messrs. Banks, Bishop, Bridges, Cain, Crowder, Cunningham, Dear, Dortch, Douglass, Fowler, Garland, Harris, Harrison, Henderson, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Lankford, Morgan of C. Morrisett, Norris, Oliver, Pickett, Rice, Richeson, Roby, Scott, Smith of L. Smith of T. Storrs, Tate, Valliant, Ware, Watts, Winston of J. and Woodward.

NAYS—Messrs. Speaker, Abernathy, Barclay, Bothwell, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Gamble, Gardner, Gasque, Gresham, Griffin, Hendrix, Hill, Hodges, Hubbard, Kendrick, Lankford, Martin, McClung, McCoy, McMillion, Meriwether, Moore of M. Morgan of A. Mundy, Murphey, Norman, Porter, Pynes, Skipper, Walker and Williams of J.

Mr. Calhoun moved to strike out the proviso from the second section of the bill, and insert: “*Provided*, that no debt shall be settled by taking any chose in action for the same, whereby any party to the debt is discharged without the concurrence of the President and all the Directors: and in no case shall real or personal property be taken in payment of a debt, or money advanced to secure a clear title.”

Mr. Campbell moved that the House do now adjourn until half past three o’clock.

Mr. Rice moved that the House adjourn until ten o’clock to-morrow morning; which was lost.

And then the House adjourned until half past three o’clock, P. M.

#### AFTERNOON SESSION, December 27, 1842.

The House met pursuant to adjournment, and proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question was taken on Mr. Calhoun’s motion to strike out proviso and insert.

Mr. Jones of G. called for a division of the question; which was first taken on striking out and lost—Yeas 25, Nays 59.

YEAS—messrs. Banks, Cain, Calhoun, Crowder, Dear, Dortch, Douglass, Dunklin, Fowler, Garland, Gasque, Jones of Conecuh, Marchbanks, Morrisett, Norris, Pickett, Rice, Robinson, Scott, Smith of L. Tate, Valliant, Ware, Watts and Winston of S.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Cunningham, Dubose, Dunn, English, Erwin, Findley, Fletcher, Gamble, Gardner, Gresham,

Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Lankford, Martin, McClung, McCoy, McMillion, Meriwether, Moore of M. Morgan of A. Morgan of C. Mundy, Murphey, Norman, Oliver, Porter, Pynes, Richeson, Roby, Skipper, Smith of T. Storrs, Walker, Williams of J. Winston of DeK. and Woodward.

So the House refused to strike out.

Mr. Campbell moved to amend the bill by adding at the end of section second, the following : "*And provided further*, that no debt shall be compromised under this section, unless the same shall be of that class which has been reported bad or doubtful, or unless the President and Directors and Governor shall be of opinion such debt is bad or doubtful.

Mr. Winston of S. moved to amend the amendment as follows : "*And provided*, that in no such settlement shall the circulation of any Bank notes in this State be increased, or cash advanced ;" which was accepted.

Mr. Moore of M. moved to strike out the proviso offered by Mr. Winston ; which was lost.

The amendment of Mr. Campbell was then adopted.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, an act regulating the salaries of certain officers therein named.

A message was received from the Governor, by Mr. Garrett :

Mr. Speaker—His Excellency the Governor did on this day approve bills which originated in the House of Representatives, of the following titles :

An act to change the name of the county seat of Cherokee county :

An act for the relief of William H. Bracken.

And then the House adjourned until to-morrow morning, at ten o'clock.

WEDNESDAY, December 28, 1842.

The House met pursuant to adjournment.

Mr. Rice moved to suspend the rules, for the purpose of taking up the messages from the Senate ; which was carried.

Mr. Calhoun moved to reconsider the vote on the adoption of the last amendment of Mr. Campbell to the second section of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile :

Also to reconsider the vote on the amendment of Mr. Jones of G. to the same section.

Message from the Senate, by Mr. Clitherall :

Mr. Speaker—The Senate has passed a bill from the House of Representatives, for the relief of Henry Farrer :

Also, an act for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county.

The bill from the Senate for the relief of Alexander Campbell and others, was read the first time :

Mr. Martin moved to suspend the rule and give this bill a second reading forthwith—which was carried. The bill was read the second time:

Mr. Martin moved to refer the bill to the committee on education—which was lost.

Mr. Moore of M. moved to refer the bill to the committee on the judiciary—which was carried.

The bill from the Senate to change the direction of tax fees in the counties of Talladega, Cherokee and Tallapoosa, was read the first time: Mr. Cooper moved that the bill be indefinitely postponed—which was lost—Nays 41—Yeas 33.

YEAS—messrs. Speaker, Caffey, Calhoun, Campbell, Cooper, Dear, Douglass, Dunn, English, Erwin, Gresham, Harris, Harrison, Hodges, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, McClung, McLemore, Morgan of C. Norris, Oliver, Porter, Robinson, Roby, Smith of T. Storrs, Ware, Winston of J. and Woodward.

NAYS—messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Cain, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Henderson, Hendrix, Hill, Hubbard, Jones of Cov. Kennedy of M. Lankford, Marchbanks, McMillion, Meriwether, Moore of M. Morgan of A. Morris, Mundy, Norman, Pynes, Rice, Richeson, Scott, Skipper, Tate, Valliant, Walker, Watts, Williams of J. and Winston of DeK.

The bill was ordered to a second reading.

The bill from the Senate to incorporate the male and female academy, at the Village of Turnbull, in the county of Monroe, was read the first time, and ordered to a second reading.

The bill from the Senate to repeal in part a certain act therein named, was read the first time, and ordered to a second reading.

The bill from the Senate, to attach a part of Fayette to Walker county, was read the first time—rule suspended—read the second time forthwith, and on motion of Mr. Rice, referred to the delegations from the counties of Fayette, Walker and Tuscaloosa.

The bill from the Senate for the relief Mary Jane Jones; and the bill from the Senate to regulate the rate of interest, were severally read the first time, and ordered to a second reading.

A message from the Senate by Mr. Clitherall:

Mr. Speaker—The Senate have passed the following bills:

A bill to change the time of holding the county court of Bibb county:

A bill to regulate in part the duties of the Treasurer of Montgomery county:

And a bill authorizing the Judge of the county court and the commissioners of roads and revenue of Dallas county to execute title to certain real estate:

And also bills from the House of Representatives of the following titles:

A bill to compensate certain persons therein named, and for other purposes:

A bill to organize the county of Coffee:

A bill to change the time of holding the county court of Jefferson county:

A bill from the Senate to change the time of holding the county court of Bibb county:

The bill from the Senate to authorize the Judges of the county courts and the commissioners of roads and revenue of Dallas county, to convey titles to certain real estate:

The bill from the Senate to regulate in part the duties of the Treasurer of Montgomery county:

The bill from the Senate to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, were severally read the first time and ordered to a second reading:

Mr. Calhoun moved to disagree to the amendment made by the Senate to the bill to authorize the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts—which was carried.

A message from the Senate by Mr. Scales:

Mr. Speaker—The Senate have passed bills of the following titles:

A bill to authorize Charles McLemore and his associates to erect a bridge across Tallapoosa river:

A bill to attach a portion of Greene to Perry county:

A bill authorizing James J. McQueen to build a toll bridge across the Pintlala creek:

A bill to regulate the expenditures of Mobile county, and for other purposes:

A bill for the relief of John Persehouse:

A bill for the relief of Mrs. Mildred Hogue:

The bill from the Senate to reduce the salaries of Bank officers:

The bill from the Senate explanatory of certain joint resolutions therein named:

The bill from the Senate to revive and continue the President and Directors of the Pineland Academy in Mobile county, as a body corporate, were severally read the first time, and ordered to a second reading:

The bill from the Senate for the relief of James P. Lindsay, was read the first time, and ordered to a second reading:

The bill from the Senate for the relief of George G. Garrett, and to extend the pardoning power, was read the first time—rule suspended—read the second time forthwith, and on motion of Mr. Clay, referred to the committee on the judiciary.

Mr. Clay presented a petition in behalf of George H. Garrett, which was also referred to the committee on the judiciary.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a preamble and joint resolutions, relative to the Bank of the State of Alabama, and its several Branches.

Mr. Jones of G., moved to take up the joint resolutions from the Senate, that they might be acted on forthwith; which was carried.

The joint resolutions from the Senate, relative to the Bank of the State of Alabama, and its several Branches, were read the first time, rule suspended, and read the second time forthwith.

Mr. Campbell moved to lay the resolutions on the table; which was lost—yeas 11, nays 73.

YEAS—Messrs. Cain, Campbell, Garland, Griffin, Hubbard, Norman, Rice, Richeson, Roby, Valliant, and Walker.

**NAYS**—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Calhoun, Clay, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gasque, Gresham, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov., Jones of G., Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Moore of M.; Morgan of A., Morris, Morrisett, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Robinson, Scott, Skipper, Smith of T., Storrs, Tate, Ware, Watts, Williams of J., Winston of DeK., Winston of S. and Woodward.

The hour of twelve having arrived, Mr. Jones of G., moved to suspend the consideration of the special order of the day, for the purpose of disposing of the joint resolutions from the Senate; which was carried—yeas 53, nays 31.

**YEAS**—messrs. Banks, Barclay, Bishop, Bridges, Caffey, Clay, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Dunn, Erwin, Gamble, Gasque, Gresham, Harris, Harrison, Hendrix, Henderson, Hodges, Jackson, Jones of Conecuh, Jones of Cov., Jones of G., Lankford, McCoy, McLemore, McMillion, Meriwether, Moore of M., Morgan of A., Morgan of C., Morrisett, Norris, Oliver, Pettit, Pickett, Pynes, Robinson, Scott, Skipper, Storrs, Tate, Ware, Watts, Winston of DeK., Winston of S., and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Bothwell, Campbell, Douglass, English, Findley, Fletcher, Garland, Griffin, Hill, Hubbard, Kendrick, Kennedy of L., Kennedy of M., Kidd, Marchbanks, Martin, McClung, Morris, Mundy, Murphey, Norman, Porter, Rice, Richeson, Roby, Smith of T., Valliant, Walker, and Williams of J.

Mr. Calhoun moved to amend by way of substitute for the resolution.

(Mr. Walker in the chair.) Mr. Erwin of G. moved to lay Mr. Calhoun's amendment on the table; which was carried.

Mr. English moved to amend by adding, "*And provided further*, That nothing herein contained shall prevent the President and Directors from renewing notes that may fall due for a longer time than ninety days from and after said renewal, or from taking bills of exchange by the President and Directors of the Branch Bank at Decatur, for curtailments and notes that may fall due during the time of such suspension.

Mr. Winston of DeK. moved that the House do now adjourn until three o'clock, P. M.; which was lost.

Mr. Erwin of G. (Mr. Walker in the Chair,) moved to amend the amendment of Mr. English as follows: "*Provided*, That nothing herein contained shall be so construed as to prohibit or prevent the said President and Directors of said Branch Bank respectively, from purchasing any lands, tenements, or hereditaments, or any slaves, or cotton at any sale under any mortgage or deed of trust made to secure the payment of any debt or liability due or owing to said Branch Bank, or at any sale under any execution in favor of the President and Directors of the same, whenever they shall be of opinion that the interest of said Branch Bank requires any such purchase to be made;" which was accepted.

Mr. Cooper moved to amend the amendment as follows: "*Provided*, said Banks shall not increase their circulation by advancing money on any such purchase; which was adopted.

The amendment of Mr. English as amended was then adopted.

Mr. Hubbard moved to amend the resolutions so as to extend their provisions to the Branch Bank at Montgomery.

Mr. Erwin of G., (Mr. Walker in the chair,) called for the previous question; which was sustained—yeas 66, nays 19.

YEAS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov., Jones of G., Kendrick, Kennedy of L., Martin, McClung, McCoy, McMillion, Meriwether, Moore of M., Morgan of A., Morgan of C., Morrisett, Mundy, Murphey, Oliver, Pettit, Pickett, Porter, Pynes, Scott, Skipper, Storrs, Tate, Ware, Williams of J., Winston of DeK., Winston of S. and Woodward.

NAYS—Messrs. Douglass, Dunn, English, Erwin, Findley, Gresham, Hubbard, Kennedy of M., Kidd, Marchbanks, Morrisett, Norman, Rice, Richeson, Robinson, Roby, Smith of T., Valliant, and Walker.

The joint resolutions were ordered to a third reading.

The question was taken on Mr. Calhoun's motion to reconsider the vote, and the adoption of Mr. Campbell's last amendment to the second section of the bill for the regulation of the Branch of the Bank of the State of Alabama, at Mobile, and decided in the affirmative.

Leave being granted, Mr. Campbell withdrew his amendment.

The question was then taken on Mr. Barclay's motion to reconsider the vote refusing to strike out the proviso in the second section; which was decided in the affirmative.

Leave being granted, Mr. Calhoun withdrew his amendment.

Mr. Campbell moved to amend the bill as follows: Strike out all after the word "*Provided*," in the second section, and insert "that no real or personal estate shall be taken in payment or settlement of any debt, and no chose in action shall be taken in settlement or renewal of any debt, unless it shall contain a promise of payment directly to said Branch Bank, or shall consist of negotiable securities to be negotiated before maturity at the same, and no proposition for renewal or settlement shall be operative without the concurrence of the President and all the directors."

And then the House adjourned until to-morrow morning, at ten o'clock.

THURSDAY, December 29, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from B. Gayle, Cashier of the Branch Bank at Mobile, shewing the amount of money paid to valueless sixteenth sections, &c.; which was referred to the committee on education.

Mr. Speaker also laid before the House a communication from B.

Gayle, Cashier of the Branch Bank at Mobile, shewing the amount of overpayments to the officers of said Bank, &c.; which was laid on the table, and one hundred and thirty-three copies ordered to be printed.

Mr. Speaker also laid before the House the record of divorce in the case of Caroline S. Brooks against Alexander M. Brooks; which was referred to the committee on divorce and alimony.

Mr. Watts introduced a bill to regulate the discount and extension of notes in the State Bank and Branches.

And also a bill to regulate the collection of bank debts; which were severally read the first time and ordered to a second reading.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill to compensate Abraham Berry of the county of Tuscaloosa, in which the concurrence of the House is requested.

Mr. Jones of Conecuh introduced a bill to impose a fine upon owners of slaves for the neglect of certain duties therein named.

And also a bill to direct the abatement of prosecutions for adultery in certain cases; which were severally read the first time and ordered to a second reading.

Mr. Jones of Conecuh presented the petition of Alexander Perryman and others; which was referred to the committee on propositions and grievances.

Mr. English presented the petition of R. W. Vindell; which was referred to the committee on the military.

Mr. Robinson presented the petition of A. J. Middleton and others; which was referred to the committee on roads, bridges and ferries.

Mr. Fletcher presented the petition of John Hornbuckle and others; which was referred to the committee on roads, bridges and ferries.

Mr. Griffin presented the account of John Hensley; which was referred to the committee on accounts.

Mr. Erwin introduced a bill to repeal in part and amend an act, approved, February first, one thousand eight hundred and thirty-nine, in relation to retailers of spirituous liquors; which was read the first time and ordered to a second reading.

Mr. Erwin also presented a petition in relation to the retail of spirituous liquors signed by sundry citizens of Mobile; which was referred to the committee on propositions and grievances.

Mr. Erwin introduced a bill to recharter and incorporate the members of Mobile Lodge No. two, of the Independent Order Odd Fellows, in the city of Mobile; which was read the first time and ordered to a second reading.

Mr. Erwin presented a petition from sundry members of the Mobile Lodge No. two; which was referred to a select committee composed of the delegation from the county of Mobile.

Mr. Rice introduced a bill for the relief of Sally C. Gunn.

Mr. Harris introduced a bill to vest in Martha Ann Moore, certain rights and privileges therein named, and for other purposes; which were severally read the first time and ordered to a second reading.



A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor did on this day, approve bills which originated in the House of Representatives, of the following, to wit:

An act regulating the salaries of certain officers therein named.

Mr. Cain introduced a bill in relation to jurors in Walker county; which was read the first time and ordered to a second reading;

And also a petition; which was referred to the committee on the judiciary.

Mr. Speaker announced the committee on the bill to authorize clerks of courts and justices of the peace, to issue executions against plaintiffs in execution, in certain cases—messrs. Dear, Barclay, Morrisett, Dunn, Smith of L. Findley, Pettit, Woodward, Porter and Kendrick.

Mr. Scott from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of certain persons therein named.

The House then took up the report of Mr. Jones of G. from the committee on the judiciary, to which was referred the Digest, prepared by C. C. Clay, Esq.

Mr. McClung moved to lay the report on the table.

Mr. Gresham moved to postpone the consideration of the report until Thursday next, and make it the special order for that day; which was carried.

The bill from the minority of the judiciary committee to be entitled an act to adopt, print, bind, and distribute the new Digest compiled by C. C. Clay, Esq., and for other purposes, was read the first time and ordered to a second reading.

Mr. Smith of T. moved to suspend the rules, that he might have an opportunity to introduce a resolution; which was carried.

On motion of Mr. Smith of T.

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Hall of the House of Representatives, on Saturday thirty-first instant, at twelve o'clock, for the purpose of electing three Judges of the Supreme Court, to wit: one to fill the vacancy occasioned by the expiration of the term of office of the honorable Henry Goldthwaite; one to fill the vacancy created by the expiration of the term of office of the honorable Henry W. Collier, and one to fill the vacancy created by the expiration to the term of office of the honorable John J. Ormond.

Mr. Barclay moved further to suspend the rules that he might introduce a resolution; which was lost.

Mr. Jones of G. moved to suspend the rules for the purpose of taking up the joint resolutions from the Senate; which was carried.

The House then proceeded to the consideration of the joint resolutions from the Senate, relative to the Bank of the State of Alabama and its several Branches.

Mr. Calhoun moved to amend the joint resolutions by adding after the first amendment adopted by the House, the following: "*Provided*,

That in no case shall any party be discharged, but such bill or note shall only be taken as collateral security."

Mr. Campbell called for the previous question; which was sustained—yeas 54, nays 33.

**YEAS**—messrs. Speaker, Barclay, Bishop, Caffey, Campbell, Cochran, Cunningham, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Fowler, Gamble, Garland, Gresham, Griffin, Harrison, Henderson, Hodges, Jones of Cov. Jones of G. Kendrick, Kennedy of L. McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Mundy, Murphey, Oliver, Pettit, Pynes, Porter, Richeson, Roby, Scott, Skipper, Smith of T. Storrs, Tate, Ware, Watts, Williams of J. Winston of S. Witherspoon, Woodward and Winston of De Kalb.

**NAYS**—messrs. Abernathy, Banks, Bridges, Cain, Calhoun, Cooper, Crowder, Dear, Dunn, Findley, Fletcher, Gardner, Gasque, Harris, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, Morrisett, Norman, Norris, Pickett, Rice, Robinson, Smith of L. Valliant and Walker.

The main question was, shall the resolution, pass? which was decided in the affirmative—yeas 80, nays 8.

**YEAS**—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Roby, Scott, Skipper, Smith of T. Smith of P. Tate, Ware, Watts, Williams of J. Winston of DeK. Winston of S. Witherspoon and Woodward.

**NAYS**—Messrs. Calhoun, Hubbard, Jones of Cov. Norman, Rice, Smith of L. Valliant and Walker.

The caption of the joint resolutions was amended so as to read: "preamble and joint resolutions relative to the Branches of the Bank of the State of Alabama at Mobile and Decatur."

Mr. Moore of M. moved to amend the amendment of Mr. Campbell, by adding as follows: "which said chose in action shall only be received as collateral security, in all cases of renewal, where the original parties are changed;" which was adopted—Yeas 55, Nays 32.

**YEAS**—messrs. Abernathy, Banks, Barclay, Bishop, Caffey, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dunklin, Findley, Fletcher, Fowler, Gardner, Garland, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Meriwether, Moore of M. Morgan of C. Morrisett, Norris, Oliver, Pickett, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Williams of J. and Winston of S.

**NAYS**—messrs. Speaker, Bothwell, Bridges, Cain, Calhoun, Campbell, Clay, Douglass, Dubose, Dunn, English Erwin, Gamble, Gresham, Henderson, Hill, Jones of Cov. Jones of G. Martin, McClung, McCoy, McMillion, Mitchell, Morgan of A. Morris, Mundy, Norman, Pettit, Porter, Pynes, Witherspoon and Woodward.

Mr. English moved to amend the amendment by adding the following, to come in at the end of the amendment offered by Mr. Moore of M: "*Provided further*, that nothing herein contained shall prevent the President and Directors of said Bank from taking liens upon real or personal property, to secure bad or doubtful debts due said Banks;" which was lost.

The amendment of Mr. Campbell, as amended, was then adopted.

Mr. Mundy moved that the House do now adjourn till half past three o'clock, P. M.; which was lost.

Mr. Hubbard moved to amend the bill by striking out all after the word "Assembly," where it occurs in the third section.

Mr. Smith of T. moved that the House do now adjourn until tomorrow morning at ten o'clock.

**YEAS**—messrs. Banks, Bothwell, Clay, Dortch, Henderson, Hodges, Jones of Cov. Kennedy of L. Kidd and Porter.

**NAYS**—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Douglass, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Williams of J. Winston of S. Witherspoon and Woodward.

The House refused to adjourn.

Mr. Moore of M. moved that the House do now adjourn until half past three o'clock, P. M.; which was carried—Yeas 53, Nays 32.

**YEAS**—Messrs. Speaker, Banks, Barclay, Caffey, Cain, Campbell, Cochran, Cooper, Cunningham, Douglass, Dunklin, English, Erwin, Findley, Fletcher, Gamble, Gardner, Gresham, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of M. McClung, McMillion, Meriwether, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Norris, Pettit, Pickett, Porter, Pynes, Robinson, Smith of P. Smith of T. Valliant, Walker, Ware, Watts, Williams of J. Witherspoon and Woodward.

**NAYS**—messrs. Abernathy, Bishop, Bothwell, Bridges, Calhoun, Clay, Cooper, Dear, Dortch, Dubose, Fowler, Garland, Gasque, Jones of Cov. Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McCoy, Morgan of A. Morris, Murphey, Norman, Oliver, Rice, Richeson, Roby, Scott, Skipper, Storrs and Winston of S.

And then the House adjourned until half past three o'clock, P. M.

## AFTERNOON SESSION, December 29, 1842.

The House met pursuant to adjournment, and proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question was taken on the motion of Mr. Hubbard to strike out all after the word "Assembly," in the third section of the bill, and lost.

YEAS—messrs. Banks, Caffey, Cooper, Crowder, Cunningham, Dunn, Erwin, Fletcher, Fowler, Gresham, Griffin, Harris, Hubbard, Jones of Conecuh, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Oliver, Pettit, Pickett, Porter, Robinson, Scott, Skipper, Storrs, Valliant, Walker, Ware, Watts and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Cain, Calhoun, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, English, Findley, Gamble, Gardner, Garland, Gasque, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Morgan of A. Morris, Murphey, Norman, Norris, Pynes, Rice, Richeson, Roby, Smith of L. Smith of P. Smith of T. Tate, Williams of J. Woodward and Winston of S.

So the House refused to strike out.

Mr. Calhoun moved to amend by striking out the words "nominated to them by the Governor," and insert, "to be reported to them by a joint committee of three on the part of each House, who shall be elected by each House respectively, to be called the joint nominating committee;" which was lost—Yeas 16, Nays 72.

YEAS—messrs. Calhoun, Cunningham, Dunn, Harris, Henderson, Jones of Conecuh, Morrisett, Norris, Oliver, Pickett, Porter, Robinson, Scott, Storrs, Valliant, and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Morgan of A. Moore of M. Morgan of C. Morris, Mundy, Murphey, Norman, Pettit, Pynes, Rice, Richeson, Roby, Skipper, Smith of L. Smith of T. Tate, Walker, Ware, Watts, Williams of J. Winston of S. and Woodward.

Mr. Ware moved to amend the bill by striking out all after the word "the," where it first occurs in the third section, and insert "president and directors of the said Bank shall hereafter be nominated by the Governor, to consist of four persons, which shall require the concurrence of two-thirds of the Senate—the person receiving the highest number of votes shall be president; and should the Senate not concur on the first nomination, the Governor is required to present names until the Senate shall agree."

Mr. Rice moved to lay the amendment on the table.

Mr. Murphey moved that the House do now adjourn until to-morrow morning at ten o'clock—which was carried.

And then the House adjourned till to-morrow morning at ten o'clock.

FRIDAY, December 30, 1842.

The House met pursuant to adjournment.

Ordered, that leave of absence be granted to Mr. Marchbanks, and Mr. Jones of G., until Thursday next.

Mr. Speaker laid before the House a communication from the Comptroller of the State, as follows:

*Hon. John Erwin, Speaker of the House of Representatives:*

Sir—I hand you the accounts of Emily Fitts, and William Braly. Please lay them before the General Assembly.

(Signed,) J. C. VAN DYKE.

The letter and accounts were referred to the committee on accounts.

Mr. Pettit presented the petition of Daniel McIntosh, and others; which was referred to the committee on the judiciary.

Mr. Martin introduced a bill to repeal an act entitled, an act to establish the tenth judicial circuit of Alabama:

Mr. Hill introduced a bill to authorize the election of assessor and tax collector for the county of Bibb, and for other purposes:

Which were severally read the first time and ordered to a second reading.

Mr. Jones of Cov. presented the petition of the citizens of Covington county, in relation to a court house. And also, the petition of Jesse Ogden, and others; which were referred to the committee on propositions and grievances.

Mr. Gamble introduced a bill for the relief of Howell E. Chitty; which was read the first time and ordered to a second reading.

Mr. Erwin introduced a bill for the relief of Thomas Stringer, of Mobile county; which was read the first time and ordered to a second reading.

Mr. Dortch presented a petition from John Olfred, and others; which was referred to the committee on education.

Mr. Barclay introduced a bill to secure a home to unfortunate families; which was read the first time and ordered to a second reading.

Mr. Smith of T. presented the petition of Sovereign Ethain, and others; which was referred to the committee on propositions and grievances.

Mr. Cochran from the committee on education, to which was referred the petition of Robert Burton and others, praying a law to be passed for the relief of A. C. Johnson, reported the same back to the House, and recommended its reference to the committee on propositions and grievances. The report was concurred in, and the petition so referred.

Mr. Cochran from the committee on education, to which was referred the petition of John B. Martindale, reported, that the petition does not shew that he was regularly employed under the law as a teacher, nor that the commissioners had not drawn all the money to which the township is entitled, and that the prayer of the petitioner ought not to be granted; in which the House concurred

Mr. Cochran from the committee on education, to which was referred a bill to authorize the Governor to appoint a steward of the University in certain cases, reported that it is inexpedient to pass the bill, as there is already ample provision for the cases provided for in the bill; in which the House concurred.

Mr. Cochran from the same committee, to which was referred the petition of John Borkes and others, from the county of Autauga, reported that the request is unreasonable and ought not to be allowed; in which the House concurred.

Mr. Cochran from the same committee, to which was referred the petition of Stephen Fedrick and others, reported that the prayer is unreasonable and ought not to be allowed.

Mr. Norris moved to lay the report and petition on the table; which was carried.

Mr. Ware moved to suspend the rules to take up the bill to amend the charter of the city of Montgomery; which was carried.

The bill was read the second time, rule suspended, read the third time and passed.

Ordered, that the same be sent to the Senate, for its concurrence.

Mr. Campbell moved to suspend the rules to take up a bill to establish a road court in the county of Mobile; which was carried.

The bill was read the second time.

Mr. Campbell moved to amend, by inserting the words "of February" after the word "Monday"; which was carried.

Mr. Campbell moved that the rule be further suspended, and that the bill receive its third reading forthwith; which was carried.

The bill was read the third time and passed.

Ordered, that the bill be sent to the Senate, for its concurrence.

A message from the Senate, by Mr. Scales—

Mr. Speaker—The Senate has passed bills of the following titles:

A bill to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes:

A bill authorizing the levy of a special tax in Talladega county:

And also, a bill to regulate the proceedings in Justices' Courts in Tuscaloosa county:

In which the concurrence of the House is requested.

Mr. Pettit from the committee on public printing, to which was referred the bill to amend an act entitled, an act for the better regulating of the State printing, and altering the mode of paying for the same, reported a substitute.

Mr. Pettit moved to strike out all after the enacting clause in the original bill, and insert the substitute reported by the committee.

Mr. Calhoun moved to lay the substitute on the table; which was carried.

Mr. Norris moved to refer the original bill to a select committee, with instructions to report on Tuesday next; which was carried.

Whereupon, Messrs. Norris, Pettit, Walker, Clay and Moore of P. were appointed said committee.

Message from the Senate :

Mr. Speaker—I am instructed to inform your Honorable body of the concurrence of the Senate in the resolution of the House of Representatives, proposing to elect three judges of the Supreme Court of the State of Alabama, on Saturday next, at twelve o'clock, M.

Mr. McClung, from the committee on the judiciary, to which was referred the resolution instructing them to inquire into the expediency of rearranging the judicial circuits of the State of Alabama, so as to reduce the number of judicial circuits to nine, made the following report :

The committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of rearranging the judicial circuits of the State of Alabama, so as to reduce the number of circuits to nine, have had the subject under consideration.

The committee are fully satisfied that nine circuit judges are sufficient to perform all the duties of circuit judges in this State ; that it is unnecessary to have a tenth judicial circuit ; and that it is expedient to arrange the judicial circuits so as to reduce the number of circuits to nine. In making such reduction and rearrangement, the committee have found considerable difficulty, from the impossibility of doing it, without interfering, in some degree, with the times now fixed for holding the circuit courts in the several circuits ; and also the impossibility of so arranging the circuits, as not to conflict with the private arrangements and personal interests of some of the solicitors and others interested in the circuit courts. Considering the public interest, however, as of paramount importance, they have proceeded to prepare a bill to effect the object contemplated by the resolution ; which is herewith submitted, and they recommend its passage.

The bill to divide the State of Alabama into nine judicial circuits, and to fix the time of holding the several courts in this State, was read the first time.

Mr. McClung moved that the constitutional rule be suspended, and that the bill be read a second time forthwith ; which was carried.

The bill was read a second time.

Mr. Smith of T. moved that the bill be laid on the table, and that one hundred and thirty-three copies be ordered to be printed ; which was lost.

Mr. Martin moved that the consideration of the bill be postponed until Monday, the ninth day of January, and that it be made the special order for that day ; which was carried.

The hour of twelve having arrived, the House proceeded to the consideration of the bill for the regulation of the Bank of the State of Alabama, and its several Branches—it being the special order.

Mr. Cooper moved that the consideration of the bill be postponed until Friday next, and that it be made the special order for that day ; which was carried—Yeas 47, Nays 43.

YEAS—messrs. Abernathy, Barclay, Bishop, Cain, Cochran, Cooper, Crowder, Douglass, Earle, Findley, Fletcher, Fowler, Gresham, Griffin, Harris, Henderson, Hendrix, Hubbard, Jones of Conecuh, Jones of

Cov. Kendrick, Kidd, Lankford, Martin, McCoy, McMillion, Meriwether, Mitchell, Morgan of A. Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Oliver, Porter, Rice, Richeson, Roby, Scott, Smith of L. Storrs, Walker, Ware, Watts and Williams of J.

NAYS—messrs. Speaker, Banks, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Cunningham, Dear, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Gamble, Gardner, Garland, Gasque, Harrison, Hill, Hodges, Jackson, Jones of G. Kennedy of L. McClung, Moore of M. Moore of P. Morrisett, Norris, Pettit, Pickett, Pynes, Robinson, Skipper, Smith of P. Smith of T. Tate, Valliant, Williams of P. Witherspoon and Woodward.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Ware withdrew his amendment.

Mr. Campbell moved to amend by way of proviso, as follows, to come in at the end of the third section; which was lost: "*Provided*, that if the General Assembly shall, by joint resolution, request the withdrawal of any or all of the nominations made by the Governor, it shall be his duty to withdraw the nominations, and make others; and the Governor, at any time before the election, during the first month after he shall make a nomination, shall have the power to withdraw such nominations, and shall make others; and all vacancies that may occur during the recess of the Legislature, in the offices of President and Directors, shall be filled by the Governor."

Mr. Pettit moved to amend by striking out the word "seven," where it occurs in the third section; which was lost.

Mr. Jackson moved to amend, as follows: in the third section, strike out the words "who shall be elected by a joint vote of both Houses of the General Assembly, from seven persons to be nominated to them by the Governor," and insert, "to be appointed by the Governor, by and with the advice and consent of the Senate."

Mr. Griffin moved that the amendment be laid on the table; which was carried.

Mr. Bridges moved to amend the third section, by striking out the word "three," and inserting "two;" which was lost.

Mr. Cooper moved to amend, to come in at the end of section three, as follows:—"And should the two Houses be unable to make a selection from the number so nominated, it shall be the duty of the Governor to place seven other persons in nomination forthwith, and continue such nominations until the two Houses shall make a sufficient selection."

Mr. Rice moved to lay the amendment on the table; which was carried—yeas 49, nays 39.

YEAS—messrs. Speaker, Abernathy, Bothwell, Bridges, Calhoun, Campbell, Clay, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gamble, Gardner, Garland, Gasque, Harris, Harrison, Hill, Hodges, Jackson, Jones of Cov., Jones of G., Kendrick, Kennedy of L., Martin, McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A., Morris, Morrisett,



Morrison, Norman, Norris, Porter, Pynes, Smith of P., Smith of T., Tate, Williams of P., and Woodward.

**NAYS**—messrs. Banks, Bishop, Bothwell, Caffey, Cain, Cooper, Crowder, Dunn, Earle, Erwin, Fowler, Gresham, Griffin, Henderson, Hendrix, Hubbard, Jones of Conecuh, Kidd, Lankford, Morgan of C., Mundy, Murphey, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L., Storrs, Valliant, Walker, Ware, Watts, Williams of J., and Witherspoon.

Mr. Jones of G. moved to amend, by way of substitute for the fourth section, as follows:—"That the said Directors shall receive for their services the sum of ——— dollars each, and also ——— per cent. on such amount of the debts due the said Bank, marked and reported bad, doubtful or unknown by the joint examining committee of the two Houses of this Legislature, as may be secured or collected by them: *Provided*, that no such per centage shall be allowed, charged or payable until the amount on which it is allowed shall be actually received by the Bank in money, and the President and directors shall have no power to make any allowance or appropriation for their own benefit, and no claim for extra allowances shall have any validity until confirmed by the Legislature."

The House refused to adopt the amendment.

A message from the Senate, by Mr. Clitherall—

Mr. Speaker—The Senate concurs in the amendments made by the House of Representatives, in relation to the Branches of the Bank of the State of Alabama at Mobile and Decatur:

Also, the amendment made by the House, to an act in relation to the establishment of a road court in the county of Mobile.

Mr. Campbell moved to amend the fourth section, by striking out "nor shall they, or either of them, be employed in any extra service on account of the said Bank;" which was lost.

And then the House adjourned until half past three o'clock, P. M.

#### AFTERNOON SESSION, December 30th, 1842.

The House met, and proceed to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Barclay moved to amend the fourth section of the bill, as follows: Strike out the words "shall receive the per diem compensation now prescribed by law: *Provided*, the sum allowed to any one Director shall not exceed eighteen hundred dollars," and insert:—"shall receive five dollars per diem for every day that they may be employed in the duties of their office: *Provided*, that the sum allowed to any one Director shall not exceed twelve hundred dollars per annum.

Mr. Morrisett called for a division of the question; which was first taken on striking out, and lost—yeas 18, nays 59.

**YEAS**—messrs. Banks, Barclay, Bishop, Douglass, Findley, Fletcher, Lankford, Moore of M. Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Smith of L. Valliant, Walker, and Winston of DeK.

**NAYS**—messrs. Speaker, Abernathy, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Dear, Dubose, Dunklin, Dunn, Earle, English, Erwin, Fowler, Gamble, Garland, Gasque,

Griffin, Harrison, Henderson, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kendrick, Kidd, McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Norris, Oliver, Pettit, Porter, Pynes, Skipper, Smith of P. Storrs, Tate, Ware, Watts, Williams of P. Witherspoon and Woodward.

So the House refused to strike out.

Mr. Smith of P. moved to amend the fifth section, by striking out "twenty" and inserting "fifty;" which was lost.

Mr. Cooper moved to amend, by striking out the word "twenty" in the fifth section, and inserting "thirty;" which was lost.

Mr. Moore of M. moved to amend, by adding at the end of section fifth, the words "which said bond shall not be void on any one recovery;" which was lost.

Mr. Campbell moved to amend the sixth section, by inserting after the word "thereof," the words "and all future renewals or extensions of the said debts;" which was adopted.

Mr. Jones of G. moved to amend by proviso, to come in at the end of section sixth, as follows:—"Provided, that no part of said assets shall be applied until the circulation of said Branch Bank in the hands of individuals or corporations, other than said State Bank and Branches, shall be reduced to two hundred thousand dollars;" which was adopted.

Mr. Robinson moved to amend, by striking out the words "running to maturity," in section sixth, and inserting "and all others which may hereafter fall due, and also to all other debts due to the State."

Mr. Campbell moved to lay the amendment on the table; which was carried.

Mr. Robinson moved to amend the seventh section by striking out "one thousand two hundred and fifty," and inserting "one thousand;" which was lost.

Mr. Hubbard moved to amend by adding four sections to the bill.

Mr. Campbell moved to lay the amendment on the table; which was lost—yeas 20, nays 64.

YEAS—messrs. Calhoun, Campbell, Cochran, Dortch, Dunklin, Dunn, English, Erwin, Findley, Jones of Cov. Jones of G. Kendrick, Kennedy, of L. McCoy, Meriwether, Morgan of A. Oliver, Porter, Skipper, and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Clay, Cooper, Crowder, Douglass, Dubose, Earle, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Kidd, Lankford, McClung, McMillion, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Mundy, Norman, Norris, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

Ordered, that leave of absence be granted to Mr. Kennedy, of M. for ten days.

Then the House adjourned until to-morrow morning, at ten o'clock.

SATURDAY, December 31, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the Cashier of the Branch Bank at Montgomery, shewing the amount of over-payments, &c., to officers of said Bank, &c.

Mr. Robinson moved that the communication be laid on the table, and that one hundred copies be printed; which was carried.

Mr. Rice moved to reconsider the vote taken yesterday on the bill for the relief of Thomas Stringer.

Mr. Speaker laid before the House the record of divorce in the case of Mary T. Judson against Lewis Judson; which was referred to the committee on divorce and alimony.

Mr. Morgan of A. introduced a bill to repeal in part an act in relation to sixteenth sections, approved February third, one thousand eight hundred and forty.

Mr. Watts introduced a bill to authorize the commissioners court of Butler county to levy an additional tax.

Mr. Norris introduced a bill for the relief of certain persons therein named.

Mr. Moore of M. at the request of the Speaker, introduced a bill the better to secure the sixteenth section fund belonging to township twenty, of range five, in the county of Greene; which were severally read the first time and ordered to a second reading.

Mr. Valliant presented the certificate of J. C. Van Dyke, Comptroller in relation to the account of Harvey W. Read; which was read and referred to the committee on accounts.

Mr. Dunklin introduced a bill to establish a ferry across Old Town Creek; which was read the first time and ordered to a second reading.

Mr. Moore of M. presented the report and petition from the commissioners of the Tennessee Canal; which was read and referred to the committee on internal improvement.

Mr. Henley presented the record of divorce in the case of Nancy R. K. Boatwright against H. H. Boatwright; which was referred to the committee on divorce and alimony.

Mr. Henley introduced a bill in relation to the settlement of the accounts of executors, administrators and guardians.

Mr. Henley introduced a bill to amend the road laws so far as they relate to the county of Marengo.

And also, a bill to increase the county tax in Marengo county; which were severally read the first time and ordered to a second reading.

Mr. Griffin introduced a bill to require the county officers of Marshall county, to receive certain claims therein named.

Mr. Erwin introduced a bill to establish a certain election precinct in the county of Mobile.

Mr. Williams of P. introduced a bill to repeal in part a certain act therein named, so far as the tenth section thereof relates to the county of Pickens.

Mr. Porter introduced a bill prescribing the mode by which married women may become free dealers.

Mr. Cain introduced a bill to extend the time for collecting the taxes for Walker county, for the year one thousand eight hundred and forty, and one thousand eight hundred and forty-one; which were severally read the first time and ordered to a second reading.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, Comptroller, transmitting the accounts of Dennis Dykous, E. M. Stephens, Dr. John D. Caldwell, and John R. Goree.

The letter and accounts were referred to the committee on accounts.

Ordered, that Mr. Gardner have leave of absence until Friday next.

Mr. Woodward from the committee on roads, bridges and ferries, to which was referred the petition of R. C. Harrison and associates, reported a bill to authorize Robert P. Harrison and his associates, to establish a ferry across the Black Warrior in the county of Blount; which was read the first time and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate this morning adopted the following resolution:

*Resolved*, That the House of Representatives be requested to return a bill to the Senate to be entitled an act to attach a part of Greene county to the county of Perry, if no action has been had thereon.

The Senate has also, passed the bill from the House of Representatives to amend the charter of the city of Montgomery.

Mr. Woodward from the committee on roads, bridges, and ferries, to which was referred the petition of Franklin Fortner, reported a bill to authorize Franklin Fortner to erect a toll-bridge across the Big Warrior river; which was read the first time and ordered to a second reading.

Mr. Cooper from the committee on divorce and alimony, to which was referred the record and decrees in the cases of Ann J. Paschal against John E. Paschal, Hannah Whatley against Willis Whatley, Elijah Dodson against Bethene Dodson, and John G. Bates against Marion Bates reported a bill to divorce certain persons therein named; which was read the first time and ordered to a second reading.

Mr. McClung from the committee on the judiciary, to which was referred the bill to amend the laws now in force in relation to insolvent estates, reported the same back to the House with an amendment, and recommended its passage.

The amendment of the committee was concurred in.

Mr. Ware moved to lay the bill on the table; which was lost.

The bill was then ordered to be engrossed for a third reading.

Mr. Walker from the committee on privileges and elections, to whom was referred sundry petitions and bills on the subject of establishing and abolishing certain election precincts therein specified, reported a bill to establish certain election precincts and for other purposes; which was read the first time and ordered to a second reading.

Mr. Bridges, from the committee on ways and means, to which was referred so much of the Governor's message as relates to the support of the State Government, and the repeal of the law in relation to valueless

sixteenth sections, reported a bill to raise a revenue for the support of the State Government, which was read the first time—rule suspended, and read the second time forthwith.

Mr. Calhoun moved to lay the bill on the table, and one hundred and thirty-three copies be ordered to be printed—which was carried.

Mr. Barclay, from the committee on county boundaries, to which was referred a bill to repeal in part an act to attach a part of Benton county to Talladega and for other purposes, reported the same back to the House with an amendment.

The amendment of the committee was concurred in.

Mr. Martin moved to postpone the bill indefinitely.

Mr. Rice moved to suspend the further consideration of the bill, that he might have an opportunity to introduce a resolution; which was carried.

On motion of Mr. Rice,

*Resolved*, The Senate be now invited into the Hall of the House of Representatives, for the purpose of electing three Judges of the Supreme Court.

The Senate repaired to the Hall of the House.

The two Houses proceeded first to the election of a Judge of the Supreme court to fill the vacancy occasioned by the expiration of the term of service of the Hon. *Henry W. Collier*,—he alone being in nomination, and having received one hundred and eighteen votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Judge of the Supreme Court for the term of service prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the Supreme Court to fill the vacancy occasioned by the expiration of the term of the Hon. *Henry Goldthwaite*.

*Henry Goldthwaite* alone being in nomination, and he having received one hundred and fifteen votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court for the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the Supreme Court to fill the vacancy that will be occasioned by the expiration of the term of the Hon. *John J. Ormond*.

*John J. Ormond* alone being in nomination, and he having received one hundred and fifteen votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court of Alabama for the term prescribed by the constitution, to commence from and after the expiration of his present term of office.

The Senate then withdrew.

Mr. Martin moved to suspend the orders of the day that he might take up the bill from the Senate to attach a part of Greene to Perry county; which was carried.

The bill was taken up, and on motion of Mr. Martin, transmitted to the Senate in compliance with a request from that body.

Mr. Hendrix moved further to suspend the rules, that he might call up

the bill for the relief of the representatives of David H. Burke, deceased, late of Mobile—which was carried.

The bill was then taken up and read the second time, and referred to the committee on the State Bank and Branches.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Hubbard withdrew his amendment, and submitted another in lieu of it, consisting of three additional sections.

Mr. Campbell moved to amend the amendment of Mr. Hubbard, as follows: strike out the words “that two commissioners shall be appointed by the Governor, (who do not reside in the vicinity of said real estate) whose duty it shall be to examine and value the same upon oath, in suitable tracts or parcels, for the purpose of selling the same; which valuation with a description of said tracts or parcels, shall be by them returned to the Secretary of State, to be filed in his office;” and insert, “it shall be the duty of the President and Directors, with the concurrence of the Governor, before any property is offered for sale, to cause a valuation of the same to be made.”

Mr. Rice moved to lay the amendment on the table—which was carried.

Mr. Erwin moved to lay the amendment submitted by Mr. Hubbard, on the table; which was lost—yeas 35, nays 51.

YEAS—Messrs. Speaker, Abernathy, Barclay, Caffey, Calhoun, Campbell, Cunningham, Dortch, Dunklin, Dunn, English, Erwin, Findley, Gasque, Henderson, Henley, Hodges, Jackson, Jones of Cov. Kendrick, Martin, McClung, McCoy, Meriwether, Morgan of A. Mundy, Oliver, Porter, Scott, Skipper, Smith of T. Watts, Williams of J. Witherspoon and Woodward.

NAYS—Messrs. Bishop, Bothwell, Bridges, Cain, Clay, Cochran, Cooper, Crowder, Douglass, Dubose, Earle, Fletcher, Fowler, Gamble, Garland, Griffin, Harrison, Hendrix, Hill, Hubbard, Kennedy of L. Kidd, Lankford, McMillion, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Murphey, Norman, Norris, Pettit, Pickett, Pynes, Riee, Richeson, Robinson, Roby, Smith of L. Smith of P. Tate, Valliant, Walker, Ware, Whorton, Williams of P. Winston of DeK. and Winston of S.

The amendment of Mr. Hubbard, was then adopted.

Mr. Scott from the committee on enrolled bills, reported as correctly enrolled:

An act to change the name of Irwinton, in Barbour county, to that of Eufaula:

An act for the relief of James Pickens:

An act to amend an act, entitled an act to establish a road court in Mobile county, approved, December twenty seventh, eighteen hundred and forty one:

Also, joint resolutions proposing amendments to the constitution:

Also, a preamble and joint resolutions, relative to the Branches of the Bank of the State of Alabama, at Mobile and Decatur.

Mr. Storrs from the same committee, reported as correctly enrolled:

An act to abolish brigade encampment drills in this State, and for other purposes:

An act to extend the provisions of an act therein named, to the counties of Coosa, Russell and Henry:

An act to alter the winter term of the county court of Covington county:

An act to compensate certain persons therein named, and for other purposes:

And an act to change the time of holding the county court of Jefferson county.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, on the thirtieth instant, approved a bill to be entitled, an act for the relief of a certain person therein named, which originated in the House of Representatives.

And then the House adjourned until Monday morning, ten o'clock.

MONDAY, January 2, 1842.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the Cashier of the Branch of the Bank of the State of Alabama, at Huntsville.

And also, a communication from the Cashier of the Branch Bank at Decatur, shewing the amount of over-payments made to the officers of said Branch Banks, respectively.

On motion of Mr. Robinson, they were laid on the table, and one hundred copies of each, ordered to be printed.

Mr. Mundy moved to suspend the rules, that the House might take up the messages from the Senate; which was carried.

The bills from the Senate of the following titles, to wit:

A bill authorizing the levy of a special tax in Talladega county:

A bill to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes:

A bill authorizing the judge of the county court of Lowndes county, to sell certain lands, the property of Robert C. and Matilda F. Beattie:

A bill to amend an act, entitled an act to authorize guardians of minors, idiots and lunatics, to receive and remove from the State, any property to which such ward may be entitled, when both guardian and ward reside out of the State; or to remove the same from one county to another in this State, &c. approved, February second, eighteen hundred and thirty nine:

A bill to amend an act entitled, an act regulating punishments under the Penitentiary system:

A bill to facilitate certain criminal prosecutions:

A bill to regulate the expenditures of the county of Mobile, and for other purposes:

A bill to be entitled an act to repeal in part and amend an act to provide for the sale of lands and slaves, in the town of Decatur, in certain cases:

A bill relative to commissioners courts of roads and revenue, for the counties of Montgomery and Lowndes:

A bill for the relief of John B. Herron:

A bill amendatory of an act entitled an act for the better regulation of the State printing, and altering the mode of paying for the same:

A bill to extend an act granting certain privileges to Alexander Findley of De Kalb county:

A bill to compensate Abraham Berry, of the county of Tuscaloosa.

A bill for the relief of Mildred Hogue:

A bill to authorize James McQueen to erect a toll bridge across the Pintlala creek:

A bill to authorize Charles McLemore and associates to erect a bridge across the Tallapoosa river:

A bill to alter the mode of electing Directors of the Bank of the State of Alabama, and its several Branches:

And a bill authorizing proceedings at the instance of the State of Alabama against the owners of turnpike roads in certain cases:

Were severally read the first time and ordered to a second reading.

The House refused to concur in the amendment made by the Senate to the bill for the relief of Anna T. R. Wyatt.

The House concurred in the amendment made by the Senate to the bill to alter the mode of assessing and collecting the taxes in Sumter county.

The bill from the Senate for the relief of John Persehouse, was read the first time. Mr. Robinson moved that the bill be indefinitely postponed; which was carried.

Mr. McClung moved to take up the bill reported by the minority of the judiciary committee, to adopt, print, bind and distribute the new Digest, compiled by C. C. Clay, Esq. and for other purposes; which was carried.

The bill was then read the second time, and on motion of Mr. McClung made the special order of the day for Thursday next, at half past three o'clock, P. M.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled—

An act to regulate the purchase of timber for the use of roads in the county of Dallas:

An act to amend the charter of the city of Montgomery:

Also, an act to alter the mode of assessing and collecting the taxes in the county of Sumter:

And an act to repeal an act therein named.

Mr. Campbell moved that the House do now take up the engrossed bills; which was carried.

The engrossed bills of the following titles, to wit—

A bill to prohibit the raising of money by lottery:

A bill to change the time of holding the county court of Walker county:

A bill to alter and define the southern boundary line of East Wetumpka:



A bill to authorize Patrick May and John A. Fortune to erect gates on a certain public road therein named:

A bill to compensate A. Crozier and Son for purchasing weights and measures for the State, under a contract with the Secretary of State:

A bill for the relief of Cynthia R. Merritt:

A bill to change the name of Crocketttsville, in Russell county, to that of Crawford:

A bill to extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in Wilcox county:

A bill for the relief of Jedediah Spencer, administrator of William Spencer, deceased:

And a bill to incorporate the Huntsville Mechanics Benevolent Association:

Were severally read the third time and passed.

Ordered, that the same be sent to the Senate for its concurrence.

The engrossed bill for the relief of Francis G. De Malemprie, was read the third time. Mr. Henley moved that the bill be laid on the table; which was carried.

The engrossed bill to be extend the time of the Circuit Court of Marengo county, was read the third time. Mr. McClung moved that the bill be laid on the table; which was carried.

The engrossed bill for the relief of Peter Eldridge, Isham C. Browder and others:

The engrossed bill to change the names of certain persons therein named:

And the engrossed bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama:

Were severally read the third time and passed.

Ordered, that the same be sent to the Senate for its concurrence.

The joint resolutions concerning the sixteenth section of township seventeen, range six, east, were read the third time and passed.

The engrossed bill to authorize the amendments of writs of error, was read the third time and passed.

The engrossed bill to authorize the signing and sealing of bills of exceptions in criminal case, was read the third time

Mr. Hubbard moved that the bill be laid on the table; which was carried—yeas 42, nays 38.

YEAS—Messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Caffey, Calhoun, Campbell, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Garland, Griffin, Henderson, Hubbard, Kendrick, Lankford, Martin, Miree, Mitchell, Moore of M. Moore of P. Morris, Morrisett, Morrison, Mundy, Pettit, Pynes, Richeson, Roby, Skipper, Smith of L. Smith of P. Tate, Whorton, Williams of P. Witherspoon and Woodward.

NAYS—Messrs. Bridges, Clay, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, English, Erwin, Gamble, Gasque, Gresham, Harris, Harrison, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Cov. McClung, McCoy, Meriwether, Morgan of C. Norman, Nor-

ris, Oliver, Pickett, Porter, Rice, Robinson, Valliant, Ware, Watts, Williams of J. and Winston of DeK.

Mr. Erwin moved to take up the bill to authorize the corporate authorities of the city of Mobile, to provide for the security and payment of debts of said city and for other purposes; which was carried.

The bill was referred to the delegation from Mobile county.

The House then took up the special order, it being the resolution offered by Mr. Hubbard some days since, instructing the committee to regard white population only as the basis of congressional representation.

Mr. Martin moved to strike out all after the word "*Resolved,*" and insert "that the committee raised in this House to lay off the State into congressional districts, be instructed,

1st. To ascertain the whole white population of said State under the late census.

2dly. To ascertain three-fifths of the entire black population and to add them together, so as to ascertain the population of said State entitled to apportionment under the federal constitution.

3dly. To divide the number thus ascertained by seven, and lay off each district in said State with reference to one-seventh of the population, as found in pursuance of this resolution.

Mr. Hubbard moved to postpone the consideration of the resolution and amendment until Monday next, and that they be made the special order for eleven o'clock of that day; which was carried.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Hubbard moved to amend the bill as follows, to wit: "And the said commissioners shall be allowed a compensation not exceeding four dollars per day, for the time engaged, to be paid them by the Cashier of said Branch Bank, upon their accounts rendered on oath of the time occupied by them in valuing said lands," to come in at the end of his adopted amendment.

Mr. Dunn moved to amend the amendment of Mr. Hubbard, by striking out the word "four," and inserting "three;" which was carried.

The amendment of Mr. Hubbard, as amended, was then adopted.

Mr. Porter moved to amend by additional section, as follows:

"That in the collection of the debts of said Bank hereinafter specified, the President and Directors of said Bank shall be governed as near as may be, by the following scale, that is to say—

1st. On all paper made previous to the first January, one thousand eight hundred and forty-two, having not less than six nor more than twelve months to run, as originally made, shall be demanded a payment of twenty per cent. on the original amount of said paper annually, until paid in full: *Provided*, That if necessary to save or to secure any of said debts, or to prevent the sacrifice of a debtors' estate, it shall be expedient to depart from the scale of collections herein specified. The

President and Directors of said Bank shall be authorized to adopt such a scheme of collection as may be required by the particular necessity.

Mr. Campbell moved to lay the amendment on the table; which was carried.

Mr. Jackson moved to amend as follows, to come in at the end of section ninth—

“And the debtor shall be indiscriminately required to pay his indebtedness in five annual instalments, commencing at the time such indebtedness respectively becomes due, or which may now be due except special discounts or loans as is denominated business notes to be paid according to contract; and if any debtor fail to meet such instalment promptly, and does not arrange or secure it to the satisfaction of the President and Directors within sixty days, the said President and Directors be and they are hereby instructed to apply the compulsory clause of the United States Bankrupt law, (provided it continue in force,) if not, said claim shall forthwith be put in suit against such delinquent or defaulting debtor, and prosecuted to judgment and collected by execution, so far as may be practicable: *Provided further*, That if after such claims being reduced to judgment, said debtor should offer to pay one half of his indebtedness and all costs, that he be allowed the same indulgence as is first mentioned above on the remainder.”

Mr. Moore of M. moved to lay the amendment on the table; which was carried.

Mr. Moore of M. moved to amend the bill by striking out the eleventh and twelfth sections of the bill, and inserting—

Section — *Be it further enacted*, That it shall be the duty of the President and Directors of the State Bank and Branches to cause the notes of the Branch of the Bank of State of Alabama, at Mobile, which may be received in payment of any debt to the said State Bank or any of its Branches, to be cancelled by writing across the face of said notes, in plain legible characters, the word “cancelled,” (by the Bank or Branch as the case may be,) in such manner as not to efface the letter or numbers of said Branch Bank note thus called.

Section — That it is hereby made the duty of the President and Directors of the Branch Bank at Mobile, to forward to the President of the Bank of the State of Alabama at Tuscaloosa, all the blank impressions of bills and bank notes, and all the plates that are in possession of said Branch Bank, and all the bank notes which shall be cancelled as above directed, now on hand after allowing a sufficient sum for the payment of the current liabilities of the same, and allowing the sum of ——— dollars to be retained for the payment of contingent and other expenses, which blank impressions, and the book commonly called the issuing book, or book in which the notes put in circulation are registered, which together with all the cancelled bank notes and plates shall be safely kept by the President and Directors of the State Bank, until the final settlement of the affairs of said Branch Bank at Mobile.

Section — *And be it further enacted*, That the Branch Banks of the State of Alabama at Montgomery, Huntsville and Decatur, shall forward the Bank notes of the Branch Bank at Mobile, which they may

receive in payment of debts, which shall be cancelled as above directed by them respectively, after charging up the same to the Branch Bank at Mobile, directly to the State Bank, which shall be safely kept by them, as directed in the preceding sections of this act.

Mr. Moore of M. moved to add to section ten, the words, "and approved by the General Assembly, before payment shall be made."

Mr. Moore of P. moved to lay the amendment on the table; which was lost.

The amendment was then adopted.

Mr. Campbell moved to amend section eleven, by adding: "after they shall be registered in a book to be kept for that purpose, marked "cancelled," by having the word cancelled written across the face of said bills; which was adopted.

Mr. Campbell moved to amend by striking out the word "noted," in section eleven, and inserting "registered in a book to be kept for that purpose;" which was adopted.

Mr. Norris moved to amend section eleven, as follows, by adding: "in the presence of the Governor and Secretary of State."

Mr. Ware moved to amend the amendment, by adding: "who shall cause the same to be published, from time to time, setting forth the amount so destroyed."

The amendment to the amendment was adopted, and the amendment of Mr. Norris was adopted, as amended.

Mr. Campbell moved to amend the twelfth section, by striking out the word "regular," and inserting "quarterly;" which was adopted.

Mr. Campbell moved to amend the twelfth section, by adding to the end thereof, the words: "in the same manner as provided for in section eleven;" which was adopted.

The question then recurred, on the motion of Mr. Moore of M. to strike out the eleventh and twelfth sections, and insert.

A division of the question was called for. The question was first taken on striking out, and lost—Yeas 36, Nays 42.

YEAS—messrs. Speaker, Barron, Bothwell, Bridges, Calhoun, Campbell, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Gamble, Gasque, Harrison, Hodges, Jackson, McClung, McCoy, McMillion, Meriwether, Moore of P. Moore of A. Morrison, Norman, Pettit, Pynes, Smith of P. Smith of T. Whorton, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Cunningham, Douglass, Fletcher, Fowler, Garland, Griffin, Harris, Hendrix, Hubbard, Jones of Conecuh, Jones of Cov. Miree, Mitchell, Moore of M. Morgan of C. Morris, Morrisett, Mundy, Norman, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Storrs, Tate, Valliant, Ware, Watts, Williams of J. and Winston of DeK.

So the House refused to strike out.

Mr. English moved to amend section thirteenth, as follows, by adding to the end thereof, the words: "*Provided*, that the provisions of this section shall not go into operation until the Banks of the State, not

placed in a state of liquidation, shall commence a full resumption of specie payment."

And then the House adjourned until three o'clock, P. M.

AFTERNOON SESSION, January 2, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Jackson moved to lay the amendment of Mr. English on the table; which was carried—Yeas 58, Nays 17.

YEAS—messrs. Speaker, Abernathy, Bishop, Bridges, Caffey, Calhoun, Clay, Cooper, Crowder, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, Erwin, Gamble, Garland, Gasque, Gresham, Griffin, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Jackson, Kendrick, Lankford, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Morris, Morrison, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Roby, Scott, Smith of L. Smith of P. Storrs, Ware, Watts, Williams of P. and Witherspoon.

NAYS—messrs. Barron, Bothwell, Campbell, English, Findley, Fletcher, Fowler, Morrisett, Mundy, Rice, Robinson, Tate, Whorton, Williams of J. Winston of DeK. and Woodward.

Mr. Moore of M. moved to strike out section thirteen.

Mr. Norman moved to strike out in the second line, the words, "in sums of one hundred dollars and upwards;" also strike out in the fourth line, the words, "in sums of one hundred dollars and upwards;" which was lost.

Mr. Winston of DeK. moved to amend the thirteenth section, by adding to the end thereof, the words: "*Provided*, that said certificate shall not draw interest for a longer period than one year;" which was lost.

Mr. Douglass moved to amend the thirteenth section, as follows: strike out all after the word "cent," and insert, "after the first day of July, eighteen hundred and forty-three, at which time all of the Banks shall resume specie payments."

Mr. English moved to lay the amendment on the table; which was carried.

Mr. Storrs moved to amend section thirteen, by striking out the word "six," and inserting "two;" which was lost.

Mr. Campbell moved to amend section thirteen, by inserting after the word "shall," the words "after the first day of April, eighteen hundred and forty-four;" which was lost.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor on this day approved and signed bills of the following titles:

An act to alter the name of the town of Irwinton, in Barbour county, in this State, to that of Eufaula:

An act for the relief of James Pickens:

Joint resolutions proposing amendments to the constitution.

And then the House adjourned until to-morrow, at half past nine o'clock.

TUESDAY, January 3, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of Richard W. Barber, L. B. Granger, and L. B. Granger; which were referred to the committee on accounts.

Mr. Cochran introduced a bill to repeal a part of an act therein named, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Cochran introduced a bill to encourage common schools, and afford the means of education in the State of Alabama.

Mr. Cochran moved to suspend the rule, and give the bill a second reading forthwith.

Mr. Henley moved to lay the bill on the table; which was carried—yeas 46, nays 41.

YEAS—Messrs. Speaker, Banks, Bothwell, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hodges, Jackson, Jones of G. McClung, McCoy, Meriwether, Miree, Moore of M. Moore of P. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Richeson, Robinson, Smith of P. Tate, Ware, Williams of P. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Cain, Cochran, Cooper, Douglass, Earle, Findley, Fletcher, Fowler, Gamble, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kendrick, Kidd, Lankford, Martin, McMillion, Mitchell, Morgan of A. Morris, Morrisett, Murphey, Norman, Pynes, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Watts, Whorton, Williams of J. and Winston of DeK.

Mr. Martin introduced a bill to change the name of certain persons therein named; which was read the first time, and ordered to a second reading.

Mr. Martin introduced a bill to repeal an act entitled an act, requiring the Governor to reside at the seat of government, approved, January twelfth, eighteen hundred and thirty three; which was read the first time.

Mr. Martin moved to suspend the constitutional rule, that the bill might receive its second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Fowler introduced a bill to extend the provisions of a certain act therein named, to the county of Blount.

Mr. Cooper introduced a bill declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into water courses.

Which were severally read the first time, and ordered to a second reading.

Mr. Calhoun presented a petition, which was referred to the committee on privileges and elections.

Mr. Norman introduced a bill to establish a school fund in this State, and for other purposes.

Mr. Henley introduced a bill to prevent frauds in certain cases; and for other purposes.

Which were severally read the first time, and ordered to a second reading.

Mr. Henley introduced a bill to provide a punishment for an offence therein named.

Mr. Douglass moved to lay the bill on the table; which was lost.

The bill was then read a first time, and ordered to a second reading.

Mr. Griffin presented the account of Daniel Bohannon and E. N. Hudgens, which were referred to the committee on propositions and grievances.

Mr. Campbell presented the documents of G. & C. Hopkins, in relation to money lost by them on steamboat North Star, which were referred to the committee on the State Bank and Branches.

Mr. Erwin presented the petition of David White and others, which was referred to the committee on the judiciary.

Mr. Morrisett presented the petition of Ann Chambers, which was referred to the committee on propositions and grievances.

Mr. Ware introduced a bill to compel commissioners of sixteenth sections, to pay over funds received by them, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Miree presented the petition of A. W. Jackson and others, which was referred to the committee on privileges and elections.

Mr. Crowder introduced a bill to establish certain precincts therein named, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Murphey presented the petition of Wm. Joiner, Davis E. Gresham and others; which was referred to a select committee, composed of the delegation from the counties of Tallapoosa, Talladega, Benton and Randolph.

Mr. Porter offered the following resolution:

*Resolved*, That the Clerk of the House be authorized to employ such assistance as may be necessary to carry on the business of the session:—*Provided*, he shall not appoint more than one assistant, who shall not be paid more than three dollars per day for his services.

Mr. Barclay moved to lay the resolution on the table, which was lost.

Mr. Calhoun moved to postpone the resolution until Monday next; which was lost—yeas 40—nays 46.

YEAS—Messrs. Abernathy, Barclay, Barron, Bridges, Caffey, Cain, Calhoun, Clay, Dubose, Dunklin, Earle, Findley, Fowler, Gamble, Garland, Griffin, Harris, Henderson, Hendrix, Hodges, Hubbard Kidd, Lankford, McMillion, Miree, Morris, Morrison, Mundy, Norris, Pickett, Rice, Richeson, Robinson, Roby, Scott, Tate, Valliant, Walker, Ware and Watts.

NAYS—Messrs. Speaker, Banks, Bishop, Bothwell, Cochran, Cooper, Cunningham, Douglass, Dunn, English, Erwin, Fletcher, Gasque, Gresham, Harris, Henley, Jackson, Jones of Conecuh, Jones of Cov. Kennedy of L. Kendrick, Martin, McClung, McCoy, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Norman, Oliver, Pettit, Porter, Pynes, Skipper, Smith of L. Smith of P. Smith of Tusc.

Storrs, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

The resolution was then adopted.

Mr. Smith of T. introduced a bill to remove an election precinct; which was read the first time, and ordered to a second reading.

Mr. Smith of T. introduced a bill to emancipate Leah.

Mr. Calhoun moved to postpone the bill indefinitely; which was carried.

Mr. Bridges introduced a bill in relation to the public roads in the county of Wilcox; which was read the first time and ordered to a second reading.

The House resumed the consideration of the bill to repeal in part, an act to attach a part of Benton county to Talladega, and for other purposes.

Mr. Martin moved that the bill be indefinitely postponed; which was lost—yeas, 18—nays, 69.

YEAS—Messrs. Abernathy, Caffey, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Hodges, Hubbard, Martin, Miree, Morris, Pynes, Rice, Richeson, Skipper and Winston of Sumter.

NAYS—Messrs. Speaker, Banks, Barclay, Barron, Bishop, Bridges, Cain, Calhoun, Campbell, Cooper, Crowder, Cunningham, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pettit, Porter, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

The bill was then ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills—

A bill to secure a homestead to every family within the State.

A bill to make service on one executor or administrator service on all.

A bill concerning promissory notes, and other securities for the payment of money.

A bill to regulate the admission of attorneys at law to practice in this State.

A bill to appoint B. D. Cook, of Cherokee county, guardian of certain persons therein named.

A bill authorizing administrators with the will annexed, to sell and convey real estate, in the same manner as executors are authorized to convey:

A bill to rescind a contract therein mentioned:

A bill to incorporate the Cahawba Academy, in Dallas county:

A bill for the relief of Hiram A. Defrease, of Talladega county:

A bill for the relief of John Baird:

A bill to regulate the laws in regard to the limitation of actions:

A bill to add a certain township therein named to Perry county:



In which the concurrence of the House is respectfully requested.

Mr. Whorton introduced the following resolution—

*Resolved*, That with the concurrence of the Senate, the two Houses of the General Assembly will convene in the Representative Hall, at the hour of twelve o'clock, M., on Wednesday next, for the purpose of electing a Judge of the County Court for Blount county; which was adopted.

The hour of twelve having arrived—

Mr. Barclay moved to suspend the orders of the day, that he might have an opportunity to introduce a resolution; which was lost—yeas 41, nays 48.

YEAS—messrs. Barclay, Bishop Bothwell, Cain, Cochran, Earle, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Hendrix, Hodges, Hubbard, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, McMillion, Morris, Morrison, Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Storrs, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Gamble, Gasque, Gresham, Harrison, Henderson, Henley, Jackson, Martin, McClung, McCoy, McLemore, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Porter, Pynes, Tate, Ware, Watts, Williams of P. Winston of S. Witherspoon, and Woodward.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question pending on the motion of Mr. Moore of M. to strike out the thirteenth section of the bill.

And then the House adjourned until half past three o'clock, P. M.

#### AFTERNOON SESSION, January 3d, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question still pending on the motion of Mr. Moore of M. to strike out the thirteenth section of the bill.

And the House adjourned until half past nine o'clock, to-morrow morning.

#### WEDNESDAY, January 4th, 1843.

The House met pursuant to adjournment.

Mr. Rice introduced a resolution proposing to change the rules of the House; which lies over one day.

Mr. Speaker laid before the House a communication from the Cashier of the Branch of the Bank of the State of Alabama at Montgomery; which was read and referred to the committee on education.

Mr. Speaker laid before the House, a communication from J. C. Van Dyke, Comptroller of public accounts, transmitting the accounts of John

L. Colson, and A. B. Davis; which was referred to the committee on accounts.

Mr. Skipper presented the petition of A. Warren and others; which was referred to a select committee—composed of the delegations from Barbour, Dale, and Coffee counties.

Mr. Dunklin introduced a bill to regulate the employment of township teachers:

Mr. Oliver introduced a bill to incorporate the town of Tuskegee, in Macon county:

Which were severally read the first time and ordered to a second reading.

Mr. Henley presented the petition of D. M. Taliaferro, and others; which was referred to a select committee—composed of the delegations from Sumter and Marengo counties.

Mr. Ware presented the petition of S. Bryan, R. H. Kerr and others; which was referred to the committee on internal improvement.

Mr. Harris presented the petition of George Pearce, Stephen Meigs and others; which was referred to the committee on propositions and grievances.

Mr. Winston of S. introduced a bill for the improvement of the river Noxubee, in Sumter county; which was read the first time, and ordered to a second reading.

Mr. Winston of S. introduced a bill in relation to payments under the law appropriating two hundred thousand dollars to valueless sixteenth sections; which was read the first time:

Mr. Calhoun moved to suspend the rule with a view of giving this bill a second reading forthwith.

Mr. Barclay moved to lay the bill on the table; which was lost—yeas 29—nays 54.

YEAS—messrs. Barclay, Bishop, Cain, Clay, Cooper, Douglass, Earle, Fletcher, Fowler, Griffin, Hendrix, Hubbard, Kendrick, Kennedy of L. McMillion, Morris, Morrison, Mundy, Murphey, Norman, Richeson, Robinson, Scott, Smith of L. Valliant, Walker, Whorton and Williams of J.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Cochran, Crowder, Dubose, Dunklin, Dunn, English, Findley, Gamble, Gasque, Harris, Harrison, Henderson, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Lankford, Martin, McClung, McCoy, McLemore, Miree, Mitchell, Moore, of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Roby, Smith of T. Tate, Ware, Watts, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

The question was then taken on the motion to suspend the rule, and lost.

Mr. Calhoun moved to make the bill the special order for to-morrow at eleven o'clock; which was carried.—Yeas 57—nays 32.

YEAS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Crowder, Dear, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Gasque, Harris, Harrison, Henderson, Henley,

Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, McClung, McCoy, McLemore, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice; Roby, Smith of P. Smith of T. Tate, Ware, Watts, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Cain, Clay, Cochran, Cooper, Douglass, Earle, Fletcher, Fowler, Garland, Gresham, Griffin, Hendrix, Hubbard, Kennedy of L. Kidd, Lankford, McMillion, Morris, Morrison, Norman, Richeson, Robinson, Scott, Skipper, Smith of L. Valliant, Walker, Whorton and Williams of J.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

A bill making it the duty of the Governor to appoint a suitable person to take care of the State Capitol:

A bill to regulate the mode of taking bonds by the Judges of the county courts in certain cases:

Also, a bill to amend the charter of the city of Tuscaloosa:

Also, a bill to authorize an extra term of the Commissioners' court in Sumter county.

Mr. Cain introduced a bill concerning the town of Jasper, in the county of Walker; which was read the first time, and ordered to a second reading.

Mr. McClung, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of repealing such laws as are now in force, requiring the Judges of the Circuit courts to alternate, reported a bill to repeal the laws now in force requiring the Judges of the Circuit Courts in this State to alternate or exchange circuits; which was read the first time, and ordered to a second reading.

Mr. Cooper, from the committee on divorce and alimony, to which was referred to record and decree of Chancery court of Mobile county, divorcing Mary T. Judson from her husband, Lewis Judson, reported a bill to divorce Mary T. Judson from her husband, Lewis Judson; which was read the first time, and ordered to a second reading.

Mr. Cooper, from the committee on divorce and alimony, to which was referred the records and decrees in the cases of Nancy R. K. Boatwright vs. H. H. Boatwright; Caroline S. Brooks vs. Alexander Brooks; Ann S. Sanford vs. Vincent Sanford; Malvina Hundley vs. John Hundley, reported a bill, to divorce certain persons therein named; which was read the first time, and ordered to a second reading.

Mr. Bridges, from the committee on ways and means, to which was referred a bill to authorize H. G. K. Shannon, of Blount county, to peddle in the counties of Blount and Walker, reported against the bill.

Mr. Bridges moved to lay the report and bill on the table—which was carried.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Jackson county, praying the passage of a law to exempt forty acres of land from execution upon contracts to be hereafter made, reported a bill, to exempt,

from and after the fourth day of July, eighteen hundred and forty-three, real estate, not exceeding forty acres from execution upon contracts hereafter made; which was read the first time, and ordered to a second reading.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of the commissioners of township fourteen, range five, reported, that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Moore of M. from the same committee, to which was referred the petition of sundry citizens of township eight, range thirteen, reported, that it would be inexpedient to legislate upon the subject.

Mr. Garland moved to lay the report and petition on the table—which was carried.

Mr. Moore of M. from the same committee, to which was referred the petition of sundry citizens, praying that Sovereign Eastham be permitted to peddle in goods, wares and merchandise, in the counties of Walker, Morgan and Blount, without paying license, reported, that it is inexpedient to legislate on the subject.

The report was concurred in.

Mr. Moore of M. from the same committee, to which was referred the petition of sundry citizens of Walker county, reported that it is inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Smith of P. from the joint examining committee, who were appointed to examine the Comptroller's and Treasurer's offices, submitted the following report:

That they commenced the examination with the date of the twenty-seventh of November, eighteen hundred and forty-one, to which date the said offices had been examined, as will appear by reference to a report made by a committee appointed for that purpose, on the sixteenth of December, eighteen hundred and forty-one.

The committee having compared each and every voucher with the entries on the Comptroller's and Treasurer's books, together with the various acts of appropriation, from the above date to the close of the fiscal year, eighteen hundred and forty-two, running through numerous entries, in all of which not the slightest error or mistake has been detected by your committee.

Your committee have also examined additions and extensions, in the various books, and compared them with the reports made by the Comptroller and Treasurer, and find they correspond; and to these reports your committee would respectfully refer the House of Representatives, for the condition of the Treasury.

Your committee, in conclusion, would add their testimony to the able and faithful manner, in which these officers have discharged their respective duties.

Mr. Smith of P. moved to lay the report on the table; which was carried.

Mr. Moore of P. from the committee on public printing, to which was

referred the account of messrs. Stephenson & Galloway, reported the same back to the House, as improperly referred, and recommended its reference to the committee on accounts.

The report was concurred in, and the account so referred.

Mr. Dear, from the committee on education, made the following report:

The committee on education, to whom was referred the petition of Joseph D. Hancock, and sundry other citizens of the county of Talladega, praying for the repeal of an act to raise a fund to aid valueless sixteenth sections, have had the same under consideration, and have instructed me to report the said petition back to the House, and that it be laid on the table, inasmuch as there is a bill pending in the House, for the repeal of said act; and the said committee have also instructed me to recommend its passage.

The same committee, to whom was referred the communication of John Marrast, President of the Bank of the State of Alabama, at Tuscaloosa, and the accompanying statements of the Cashier of said bank, marked A. and B., in reply to certain resolutions adopted by this House, on the twelfth instant, requiring information touching the amount of interest arising from, and annually accruing to said bank, from the surplus revenue on deposit in said bank—also, requiring information touching the amount of interest arising from the two per cent. fund, have had the same under consideration, and have instructed me to report the same back to the House, and that it, together with the accompanying statements of the Cashier, lie on the table; inasmuch as they are connected with the above petition and bill.

The same committee, to whom was referred the communication of Stephen S. Ewing, President of the Branch of the Bank of the State of Alabama, at Huntsville, and the accompanying statement of the Cashier of the said Bank, marked A., in reply to the same resolution above described, requiring the same information as above, have had the same under consideration, and have instructed me to report the same back to the House, and that it, together with the accompanying statement of the Cashier, lie on the table, for the reason above stated.

The same committee, to whom was referred the communication of James Fennell, President of the Branch Bank at Decatur, in reply to the same resolutions, requiring the same information as above, have had the same under consideration, and have instructed me to report the same back to the House, and that it lie on the table, for the reason first above stated.

The hour of twelve having arrived, the House proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama, at Mobile, the question being on the motion of Mr. Moore of M. to strike out the thirteenth section of the bill.

Mr. Banks moved to suspend the orders of the day, that he might introduce a resolution; which was carried.

On motion of Mr. Banks,

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall, on the seventh instant, at eleven o'clock, for the purpose of electing a Judge of the County Court of Tuscaloosa county.

Mr. Campbell introduced the following resolution:

*Resolved*, That a select committee of five be appointed to inquire into the cause of the disturbance of the House of Representatives during its session of this day, and report the facts to this House for its action.

Mr. McLemore moved to lay the resolution on the table; which was lost.

Mr. Ware moved to postpone the consideration till to-morrow; which was carried.

A message was received from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, this day approved bills of the following titles—

An act to abolish brigade encampment drills in this State, and for other purposes:

An act to amend an act to alter the mode of assessing and collecting the taxes in the county of Sumter:

An act regulating the purchase of timber for the use of roads in Dallas county:

An act relating to taxes and jury certificates in Covington county:

An act to compensate certain persons therein named and for other purposes:

An act to extend the provisions of an act therein named to the counties of Coosa, Russell and Henry:

An act to alter the winter term of the county court of Covington county:

An act to change the time of holding the winter term of the county court of Jefferson county:

And an act to amend the charter of the city of Montgomery:

Which originated in the House of Representatives.

And then the House until adjourned three o'clock, P. M.

#### AFTERNOON SESSION, January 4, 1843.

The House met and proceeded to the consideration of the special order—it being the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

Mr. Norris moved to suspend the consideration of the bill for a short time; which was carried.

Mr. Norris, from the select committee, to which was referred a bill to amend an act entitled an act for the better regulation of the State printing and altering the mode of paying for the same, approved February fourth, one thousand eight hundred and forty, reported the same back to the House and recommended its passage.

Mr. Martin moved to lay the report and bill on the table; which was lost.

YEAS—messrs. Speaker, Abernathy, Bishop, Bothwell, Cochran, Douglass, Dunklin, Fletcher, Fowler, Gamble, Garland, Gasque, Harrison, Henderson, Hill, Hodges, Kendrick, Martin, McMillion, Moore of P. Morgan of A. Morris, Morrison, Norman, Pynes, Skipper, Smith of L. Smith of P. Tate, Whorton, Williams of P. and Witherspoon—32.

**NAYS**—messrs. Banks, Barclay, Barron, Bridges, Cain, Campbell, Cooper, Crowder, Dear, Dunn, Earle, English, Erwin, Findley, Griffin, Harris, Hendrix, Henley, Jackson, Jones of Conecuh, Lankford, McClung, McCoy, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Walker, Ware, Watts, Williams of J. Winston of DeK. Winslow of S. and Woodward—44.

Mr. Martin moved to refer the bill to the committee on public printing; which was lost.

The bill was then ordered to be engrossed for a third reading.

Mr. Walker, from the select committee, appointed to examine the accounts of the Courtland Land Office, made the following report—

The select committee appointed by the House to examine the accounts of the Courtland Land Office, since the removal of the books and papers belonging to said office to the office of Secretary of State, having performed that duty, beg leave to report, that they find the amount received from all sources for lands entered in the Courtland Land Office, is seven hundred and eighty-one dollars and seven cents; that they find vouchers for money refunded under sales of lands and expenses attending said sale amounting to four hundred and sixteen dollars and thirty-nine cents, which leaves a balance of three hundred and sixty-four dollars and sixty-eight cents; which is now on deposit in the Branch Bank at Decatur to the credit of the Secretary of State.

Your committee find the affairs of said Courtland Land Office fully closed, and a complete record made of all moneys received and disbursed by the Secretary of State, since the books and papers have been placed in charge of that officer.

In order to dispose of the funds now deposited to the credit of the Secretary of State, the committee beg leave to report a joint resolution, and recommend its passage.

The joint resolution directory to the Secretary of State was read the first time, and ordered to a second reading.

The House then resumed the consideration of the bill for the regulation of the Branch Bank at Mobile—the question pending on the motion of Mr. More of M. to strike out the thirteenth section.

Mr. Morrisett moved to postpone the further consideration until tomorrow, at twelve o'clock; which was lost.

Mr. Calhoun moved a call of the House; which was lost.

The question was then taken on the motion of Mr. Moore of M. to strike out section thirteen, and decided in the affirmative—Yeas 59, Nays 24.

**YEAS**—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Cain, Calhoun, Clay, Cochran, Cooper, Crowder, Dortch, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Griffin, Harris, Henderson, Hendrix, Hill, Hodges, Jones of Conecuh, Jones of Cov. Lankford, Martin, McClung, McMillion, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norman, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott,

Skipper, Tate, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

**NAYS**—messrs. Barron, Bothwell, Campbell, Douglass, Dubose, Dunn, Gasque, Harrison, Henley, Jackson, Kendrick, Kennedy of L. Kidd, McCoy, Miree, Mitchell, Moore of P. Norris, Porter, Pynes, Smith of L. Smith of P. Williams of P. and Witherspoon.

Mr. Norris moved to amend the bill by an additional section, as follows:

*Be it further enacted*, That all persons now indebted to the said Branch Bank at Mobile, by note, bill, bond, judgment or otherwise, may, within six months after the passage of this act, by paying twenty-five per cent. on his or her debts, extend the same twelve months, by giving good and sufficient personal security, to the satisfaction of the President and Directors of the said Bank; which security shall draw interest at the rate of eight per cent. per annum, to be expressed in the face thereof; and if, at the maturity of said debt, twenty-five per cent. shall be paid thereon, he or she shall have the right to extend the remainder of said debt for twelve months longer, and in like manner until the entire debt shall be extinguished—twenty-five per cent. per annum being required at the expiration of each year on the original debt, until the entire debt be paid.

Mr. Winston moved the previous question; which was lost—Yeas 52, Nays 52.

**YEAS**—messrs. Abernathy, Bishop, Bridges, Calhoun, Campbell, Cochran, Cunningham, Dortch, Dubose, Dunklin, English, Fowler, Gamble, Harrison, Henderson, McClung, McCoy, Moore of M. Morgan of A. Morris, Mundy, Porter, Pynes, Robinson, Scott, Skipper, Tate, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

**NAYS**—messrs. Speaker, Banks, Barclay, Barron, Bothwell, Cain, Clay, Cooper, Crowder, Douglass, Dunn, Earle, Erwin, Findley, Fletcher, Garland, Gasque, Griffin, Harris, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kidd, Lankford, Martin, McMillion, Miree, Mitchell, Moore of P. Morgan of C. Morrisett, Morrison, Norman, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Roby, Smith of L. Smith of P. Walker, Ware, Watts, Williams of P. and Witherspoon.

Mr. Campbell moved to lay the amendment of Mr. Norris on the table; which was carried—Yeas 56, Nays 27.

**YEAS**—messrs. Speaker, Abernathy, Banks, Barclay, Bothwell, Bridges, Calhoun, Campbell, Clay, Cochran, Cooper, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gasque, Harris, Harrison, Henderson, Hendrix, Hodges, Jones of Conecuh, Jones of Cov. Kidd, Martin, McClung, McCoy, McMillion, Meriwether, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrison, Mundy, Oliver, Porter, Robinson, Scott, Skipper, Smith of P. Tate, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

**NAYS**—messrs. Barron, Bishop, Cain, Crowder, Cunningham, Gar-



land, Griffin, Henley, Hill, Jackson, Kendrick, Lankford, Miree, Mitchell, Morris, Morrisett, Norman, Norris, Pickett, Pynes, Rice, Richeson, Roby, Smith of L. Walker, Ware and Watts.

Mr. Erwin of Greene, (Mr. Walker in the chair,) moved to strike out the third section of the bill, and insert—

That for the conducting and managing the affairs of the said Branch Bank, there shall be a President and Directors, to be elected by the joint vote of the two Houses of the General Assembly at its present session, and annually thereafter from person to be nominated by the Governor to the two Houses respectively as follows: he shall nominate within — days after the commencement of each annual session two persons for the office of President, and four for the office of Directors from whom the two Houses shall proceed to make the election of President and Directors, within — days after making such nomination, and the persons so elected, shall serve for the term of one year, and until their successors are duly qualified; and the President shall receive for his services the sum of two thousand five hundred dollars per annum, and the Directors the sum of two thousand dollars each to be paid quarterly, as now provided by law; and whenever, at any time a vacancy shall occur in the said Board, during the recess of the General Assembly, by death, resignation or removal, the same shall be filled by the Governor, and the person so appointed, shall continue in office until a successor shall be elected and qualified as herein provided for.

Mr. Campbell moved to postpone the amendment indefinitely; which was lost—yeas 25, nays 60.

YEAS—messrs. Abernathy, Campbell, Dubose, English, Erwin, Findley, Fletcher, Garland, Gasque, Aarrison, Jackson, Jones of Cov. Martin, McClung, McCoy, Mitchell, Moore of M. Morgan of A. Pettit, Pynes, Richeson, Robinson, Scott, Ware and Witherspoon.

NAYS—messrs. Speaker, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Clay, Cochran, Cooper, Crowder, Cunningham, Dortch, Douglass, Dunklin, Dunn, Earle, Fowler, Gamble, Griffin, Harris, Henderson, Hendrix, Henley, Hill, Hodges, Jones of Conecuh, Kendrick, Kennedy of L. Kidd, Lankford, McMillion, Meriwether, Miree, Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norris, Oliver, Norman, Pickett, Porter, Rice, Roby, Skipper, Smith of L. Smith of P. Tate, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

Mr. Campbell moved to amend the third section by adding to the end thereof, the following, to wit:

And all vacancies that may occur in the Board of Directors during the recess of the General Assembly, shall be filled by the Governor, and it shall be the duty of the Cashier to notify the Governor of the fact, that a vacancy has occurred within five days after the same has happened.

Mr. Erwin of Greene, (Mr. Walker in the chair,) moved to lay the amendment of Mr. Campbell on the table; which was lost—yeas 38, nays 46

YEAS—messrs. Speaker, Barclay, Bishop, Cain, Cochran, Cooper,

Cunningham, Dortch, Dunklin, Fletcher, Gamble, Garland, Harris, Henderson, Henley, Hill, Hodges, Jones of Conecuh, Jones of Cov. Kendrick, Kidd, Lankford, McMillion, Meriwether, Mitchell, Morris, Morrison, Mundy, Norman, Porter, Rice, Skipper, Walker, Watts, Whorton, Williams of J. Winston of DeK. and Winston of S.

**NAYS**—messrs. Abernathy, Banks, Barron, Bridges, Campbell, Clay, Crowder, Douglass, Dubose, Dunn, Erwin, English, Erwin, Findley, Fowler, Gasque, Griffin, Harrison, Hendrix, Jackson, Kennedy of L. Martin, McClung, McCoy, Mirce, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Pettit, Pickett, Pynes, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Witherspoon and Woodward.

The amendment of Mr. Campbell was then adopted.

Mr. Campbell moved the previous question; which was lost—yeas 33, nays 49.

**YEAS**—messrs. Abernathy, Banks, Bishop, Campbell, Clay, Cochran, Dortch, Earle, English, Findley, Garland, Gasque, Griffin, Harrison, Jackson, Kendrick, Lankford, Martin, McClung, McCoy, McLemore, Mirce, Moore of M. Morgan of A. Morris, Mundy, Pettit, Rynes, Richeson, Scott, Williams of P. Winston of DeK. and Woodward.

**NAYS**—messrs. Speaker, Barelay, Barron, Bothwell, Bridges, Cain, Cooper, Crowder, Douglass, Dubose, Dunn, Erwin, Fletcher, Fowler, Gamble, Harris, Henderson, Hendrix, Henley, Hill, Hodges, Jones of Conecuh, Jones of Cov. Kennedy of L. Kidd, McMillion, Meriwether, Mitchell, Moore of P. Morgan of C. Morrisett, Morrison, Norman, Oliver, Porter, Rice, Robinson, Roby, Skipper, Smith of L. Smith of P. Tate, Walker, Ware, Watts, Whorton, Williams of J. Winston of S. and Witherspoon.

The question recurred on the amendment of Mr. Erwin of G. to strike out and insert—

And then the House adjourned till to-morrow morning, at half past nine o'clock.

THURSDAY, January 5th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the account of Wm. Black; which was referred to the committee on accounts.

Messrs. Dear, Gresham, McLemore, Hubbard, Smith of T. and Valliant, asked leave to record their votes on the vote taken yesterday, on striking out the thirteenth section of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile; which was granted.

Messrs. Hubbard, Smith of T. and Valliant voted in the affirmative, and messrs. Dear, Gresham and McLemore, in the negative.

Mr. Speaker presented the record of divorce in the case of Thomas Downing vs. Sarah Downing; which was referred to the committee on divorce and alimony:

Also, the record of divorce of Maria Booth vs. George Booth; which was referred to the committee on divorce and alimony.

Mr. Garland introduced a bill for the relief of the citizens of the eighth township, range thirteen, west, in Franklin county; which was read the first time, and ordered to a second reading.

Mr. Findley presented the petition of Langston Coffee, David Norman and others; which was referred to the committee on the judiciary.

Mr. Walker presented the petition of Ashford and Baker; which was referred to the committee on the judiciary.

Mr. Smith of P. introduced a bill to repeal the tenth section of an act to alter the mode of assessing taxes in Pickens county, and for other purposes, approved January second, eighteen hundred and forty one; which was read the first time, and ordered to a second reading.

Mr. Cain presented the petition of Edmund Knight, John H. Clayton and others; which was referred to the committee on propositions and grievances.

Mr. Cain presented the petition of Lavi Robins and others; which was referred to the committee on propositions and grievances.

Mr. Dortch moved to suspend the rules with a view of taking up a bill to authorize an extra term of the commissioners' court in Sumter county; which was carried.

The bill was read the first time—rule suspended—read the second time—the rule was again suspended, whereupon the bill received its third reading, and passed.

The House then resumed the consideration of the report from the committee on education made by Mr. Dear on yesterday.

Mr. Cochran moved to lay the report on the table—which was carried.

Mr. McClung, from the judiciary committee, to whom was referred the petition of sundry members of the bar, in the county of Franklin, reported a bill to alter the time of holding certain courts therein named; which was read the first time—rule suspended, and read a second time forthwith.

Mr. Norman moved to refer the bill to a select committee, composed of the delegations from Franklin and Marion; which was carried.

Mr. McClung, from the judiciary committee, to which was referred the petition of Thomas Atkinson and others, reported a bill in relation to a change of venue in certain counties therein named; which was read the first time—rule suspended—read a second time forthwith, and ordered to be engrossed.

Mr. McClung, from the same committee, to which was referred a bill to alter and amend the eighteenth section of the fourth chapter of an act, entitled an act, regulating punishment under the penitentiary system, reported the same with an amendment; in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

Mr. McClung, from the judiciary committee, to which was referred the petition of Eliza Jane Robinson and Eliza Jane Caskaden, reported that it is unnecessary to legislate, according to the prayers of the petitioners.

The report was concurred in.

Mr. McClung, from the judiciary committee, to which was referred the petition of Robert Baugh, and sundry other citizens, reported that it

is inexpedient to grant the prayer of the petitioners—in which the House concurred.

Mr. McClung, from the judiciary committee, to which was referred a bill to repeal an act, entitled an act to prevent the sacrifice of real estate, passed, January first, eighteen hundred and forty-two, reported a substitute, in which the House concurred.

The bill was ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has receded from its amendment to a bill for the relief of Anne T. R. Wyatt.

And has also amended the resolution from the House of Representatives, proposing to hold the election of a judge of the county court of Blount county, by striking out Wednesday, and inserting Saturday.

Mr. Campbell asked permission to withdraw his resolution offered yesterday, which was granted.

Mr. Kennedy of L. moved to suspend the rules, in order to introduce a set of resolutions; which was carried.

Mr. Kennedy of L. then offered the following resolutions—which were adopted:

Whereas, during the past year it appears that some ten convicts have made their escape from the Penitentiary of this State, at Wetumpka, and only some five or six have been retaken: and whereas, the manner in which they have made their escape, seems to impute gross dereliction of duty to those who have had the charge and control of the Penitentiary. Therefore—

*Be it resolved*, That the Inspectors of said Penitentiary be required forthwith to make a thorough and critical examination, into the manner in which said convicts made their escape; whether their escape was justly attributed to the negligence of any of the officers, and if so, to whom it is attributable; and that said Inspectors make a full and complete report of their examination to this House, at the earliest possible day.

*Resolved further*, That the clerk of this House be required to transmit a copy of these resolutions to each of the Inspectors of the Penitentiary forthwith.

Mr. Bridges moved to take from the table, the bill for the support of the State government; which was carried.

Mr. Bridges then moved that the House go into a committee of the whole on this bill, on Thursday next, and that it be made the special order for that day; which was carried.

The House then went into the consideration of the bill in relation to payments under the law, appropriating two hundred thousand dollars to valueless sixteenth sections.

Mr. Winston of DeK. moved that the bill be referred to a select committee, composed of one member from each judicial circuit, with instructions to report the same to the House, on to-morrow at eleven o'clock; which was carried.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of sundry citizens, praying the payment of a certain sum of money to John Echols, reported that it would be inexpedient to legislate on the subject.

Mr. Kennedy of L. moved to lay the report on the table; which was carried.

Mr. Moore of M. from the same committee, to which was referred the petition of John P. Harrison and others, reported that the act of twenty-third December, eighteen hundred and forty-one, on the subject, is amply sufficient for all the purposes of justice, to all the parties concerned.

The report was concurred in.

Mr. Moore of M. from the same committee to which was referred the petition of sundry citizens of Mobile county, praying the change of the law in relation to the obtaining of tavern licenses, reported that it would be inexpedient to grant the prayer of the petitioners.

Mr. Erwin moved to lay the report on the table; which was carried.

Mr. Moore of M. from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Limestone county, praying the passage of an act to allow Joseph Wood to vend ardent spirits in said county free of license, reported that it would be inexpedient to legislate upon the subject; in which the House concurred.

Mr. Moore of M. from the same committee, to whom was referred the petition of sundry citizens of Morgan county, praying an act for the benefit of Catharine Welsh, reported that it would be inexpedient to legislate upon the subject.

The report was laid on the table.

Mr. Moore of M. from the committee on the State Bank and Branches, to whom was referred the application of G. and C. Hopkins of the city of Mobile, in regard to the payment of certain moneys of the Bank of the State of Alabama and the Branch at Decatur, which was lost in the destruction of the steamboat North Star,—reported, that the Courts of the State are fully competent to relieve the parties upon the facts set forth in this application, and that it is not expedient for this House to legislate upon the subject; in which the House concurred.

Mr. Cochran, from the committee on education, to which was referred the petition of sundry citizens of township twenty, range four, reported that the prayer of the petitioners ought not to be granted.

The report was laid on the table.

Mr. Cooper, from the committee on divorce and alimony, to which was referred the petition of Sarah Ann White, praying to be divorced from her husband, Wiley H. White, reported the same back to the House, as no jurisdiction is given to the House over the matter in its present condition.

The report was concurred in.

Mr. Scott, from the committee on enrolled bills, reported that they had examined a bill for the relief of Ann T. R. Wyatt:

Also, an act to authorize an extra term of the commissioners court in Sumter county; and find the same correctly enrolled.

Mr. Pettit, from the select committee, to whom was referred the petition of Seaborn J. Blake and others, for the relief of John Daniel,—reported a bill for the relief of John Daniel and his securities; which was read the first time and ordered to a second reading.

Mr. Kennedy of L. from the select committee, to whom was referred

the joint memorial and resolutions in regard to the Muscle Shoals Canal, constructed on or by the Tennessee river, in the county of Lauderdale, reported the same back to the House, with several amendments, and recommended their passage.

The amendments were concurred in.

Mr. English moved to recommit the memorial to the same committee; which was carried.

Mr. Norris, from the select committee, to which was referred a bill from the Senate to attach a part of Walker to Fayette county, reported the bill back to the House, and recommended its passage.

The bill was read a third time and passed.

Mr. Murphey, from the select committee, to which was referred the petition of the citizens of the county of Randolph, praying the General Assembly to memorialize the Congress of the United States to reduce the price of public lands, according to order, reported a memorial and joint resolutions; which were adopted.

Mr. Speaker laid before the House, a communication from the Governor transmitting the intelligence of the resignation of the Judge of the County Court of Coffee county.

Mr. Whorton moved to take up the message from the Senate—which was carried.

The amendment of the Senate to the resolution of the House, proposing to go into the election of a Judge of the County Court of Blount county, was then concurred in.

Mr. Skipper offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House, on Saturday, the seventh of this month, at twelve o'clock, for the purpose of electing a Judge of the County Court of Coffee county,—also, a member of the Board of Physicians at Florence; which was adopted.

Mr. Kennedy of L. from the select committee, to which was referred sundry petitions of the citizens of Florence and the county of Lauderdale, touching Jacob Lacy, a free person of color, reported that it is inexpedient to legislate on that subject.

The report was laid on the table.

Mr. Dunklin offered the following resolution:

*Resolved*, That the select committee on forming a general fee bill, be instructed to inquire into the expediency of regulating the said bill now under their consideration in accordance with the coinage of the United States; which was lost.

Mr. Kennedy of L. introduced joint resolutions in relation to the three per cent. and two per cent. internal improvement fund; which were read and referred to the committee on education.

The House then took up the following resolution, offered by Mr. Rice:

*Resolved*, That so much of the forty-second rule for the government of the House of Representatives as requires the House to meet at half past nine o'clock, be and the same is hereby repealed, and that hereaf-

ter when the House adjourns, after the afternoon session, it shall adjourn to meet at ten o'clock the next day.

Which was lost. Yeas 25—nays 60.

YEAS—messrs. Speaker, Banks, Clay, Douglass, Dunn, Gamble, Gresham, Harris, Henley, Jones of Cov. Kennedy of L. Martin, Meriwether, Miree, Norman, Pettit, Pynes, Rice, Richeson, Smith of T. Storrs, Tate, Winston of S. and Woodward.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Cochran, Cooper, Crowder, Cunningham, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Henderson, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Kendrick, Lankford, McClung, McCoy, McMillion, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Robinson, Scott, Skipper, Smith of L. Smith of P. Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

Mr. Moore of P. moved to take up the bill to extend for a limited time the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven; which was carried.

The bill was read the second time, rule suspended, read the third time forthwith and passed.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the bill for the regulation of the Branch Bank at Mobile; the question pending on the motion of Mr. Erwin of G. to strike out the third section, and insert the amendment offered by him yesterday.

Mr. Moore of M. called for a division of the question—which was first taken on striking out and lost. Yeas 31—nays 57.

YEAS—messrs. Speaker, Barclay, Bothwell, Bishop, Bridges, Cain, Cunningham, Dortch, Fletcher, Garland, Harris, Henderson, Hendrix, Hill, Hodges, Kennedy, of L. Kidd. Morgan of C. Morrison, Mundy, Norman, Porter, Rice, Roby, Skipper, Smith of L. Tate, Walker, Whorton, Williams of J. and Winston of S.

NAYS—messrs. Abernathy, Barron, Caffey, Calhoun, Campbell, Clay, Cochran, Dear, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fowler, Gamble, Griffin, Harrison, Henley, Hubbard, Jackson, Jones of Cov. Kendrick, Lankford, Martin, McClung, McCoy, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morris, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Smith of P. Smith of T. Storrs, Valliant, Ware, Williams of P. Winston of DeK. Witherspoon and Woodward.

Mr. Calhoun called for the previous question; which was sustained. Yeas 66—nays 24.

YEAS—Messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Cunningham, Douglass, Dortch, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Kendrick, Kennedy of L. Lankford, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell,

Moore of M. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Pettit, Pickett, Pynes, Rice, Roby, Smith of L. Smith of P. Tate, Valliant, Walker, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—Messrs. Banks, Barron, Bothwell, Dear, Harris, Hill, Jackson Jones of Conecuh, Jones of Cov. Kidd, Moore of P. Morgan of C. Norman, Norris, Oliver, Porter, Richeson, Robinson, Skipper, Smith of P. Storrs, Watts and Witherspoon.

The question, shall the main question be now put? was decided in the affirmative, and the bill was ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Decatur.

Mr. Campbell moved to amend the bill by striking out all after the enacting clause and inserting a substitute.

Mr. Moore of M. moved to amend the amendment of Mr. Campbell, as follows, to come in at the end of the third section:—"and any vacancy that may occur in the board of President and Directors, during the recess of the General Assembly, shall be filled by the appointment of the Governor; and it shall be the duty of the Cashier to notify the Governor that a vacancy has occurred, within five days after the same has happened;" which was adopted.

The substitute offered by Mr. Campbell, as amended, was adopted.

Mr. Norman moved to amend the bill, by adding a section as follows:

*"Be it further enacted,* That all the provisions of this act, shall be applicable to the Branch of the Bank of the State of Alabama at Huntsville."

Mr. McClung moved the previous question; which was sustained—yeas, 61—nays, 27.

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Crowder, Cunningham, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Gamble, Gasque, Griffin, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Kendrick, Martin, McClung, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Pettit, Pickett, Porter, Pynes, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Watts, Whorton, Williams of J. Williams of P. Witherspoon and Woodward.

NAYS—messrs. Banks, Cooper, Dunn, Fowler, Garland, Harris, Hendrix, Hubbard, Jones of Conecuh, Kennedy of L. Lankford, McCoy, McMillion, Morgan of C. Norman, Norris, Oliver, Rice, Richeson, Robinson, Roby, Valliant, Walker, Ware, Winston of DeK. and Winston of Sumter.

The question, shall the main question be now put? was decided in the affirmative, and the bill ordered to be engrossed for a third reading.

The House then took up the bill for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

Mr. Erwin moved that the consideration of the bill be postponed until Tuesday next, and that it be made the special order for twelve o'clock of that day; which was carried.



The House then took up the bill for the regulation of the Bank of the State of Alabama, and the Branches at Huntsville and Montgomery.

Mr. Campbell moved that the consideration of the bill be postponed until to-morrow at twelve o'clock, and that it be made the special order for that hour; which was carried.

Mr. Rice moved to suspend the orders of the day that he might have the action of the House on a motion made by him, on a day previous, to reconsider the vote refusing to order the bill for the relief of Thomas Stringer, of Mobile county, to a second reading; which was carried.

The vote was reconsidered and the bill ordered to a second reading.

The House then took up the bill to regulate the management and expenses of the Bank of the State of Alabama and its Branches.

On motion of Mr. Campbell, the bill was made the special order of the day for Saturday next, at twelve o'clock, and its consideration postponed until that time.

The House then took up the joint resolutions of the Senate and House of Representatives, in relation to the two per cent. fund, &c.

Mr. Campbell moved that the resolutions be postponed until Wednesday next, and that they be made the special order for that day; which was carried.

The House then took up the joint resolutions of the General Assembly, in relation to the conduct to be pursued by the President and Directors for the Bank of the State of Alabama, and its several Branches, in the collection of debts.

Mr. Cooper moved that the consideration of the resolutions be postponed, until Monday, sixteenth day of January, and that they be made the special order for that day; which was carried.

Mr. Williams of J. introduced the following resolution:

*Resolved*, That from and after the ninth instant, this House will proceed to hold night sessions, convening at half after six, and adjourning at half after nine, P. M.

Which lies over one day.

The engrossed bill to amend an act, entitled an act for the better regulation of the public printing, and altering the mode of paying for the same, was read the third time.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 5th, 1843.

The House met and proceeded to the consideration of the bill, reported from the minority of the judiciary committee, to adopt, print, bind and distribute, the new digest prepared by C. C. Clay, Esq. and for other purposes.

Mr. Dunn moved to postpone the further consideration of the bill, until half past three o'clock, P. M. to-morrow, and make it the special order for that time; which was lost—yeas 15, nays 58.

YEAS—Messrs. Speaker, Banks, Barron, Bothwell, Bridges, Crowder, Dunn, Earle, Gresham, Henley, Norris, Oliver, Porter, Robinson, Ware and Witherspoon.

**NAYS**—Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Campbell, Cochran, Cooper, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Lankford, Martin, McClung, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Pynes, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Whorton, Williams of P. Williams of J. Winston of DeK. Winston of S. and Woodward.

Mr. Henley moved to strike out the words "twenty-five hundred dollars," where they occur in the sixth section of the bill.

Mr. Mundy moved to postpone the further consideration of the bill until to-morrow, at eleven o'clock, and make it the special order for that hour.

A message was received from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency did on this day approve a bill for the relief of Anne T. R. Wyatt, which originated in the House of Representatives.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

FRIDAY, January 6th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the account of William R. Hunt, jailer of Madison county, which was referred to the committee on accounts.

Mr. Hill introduced a bill to repeal in part a certain act therein named, which was read the first time, and ordered to a second reading.

Mr. Hill offered joint resolutions to reduce the price of the Supreme Court Reports of the State of Alabama, which were read the first time, and ordered to a second reading.

Mr. Calhoun introduced a bill in relation to the seat of government lands at Cahawba, which was read a first time—rule suspended, read a second time forthwith, and ordered to be engrossed for a third reading.

Mr. Garland moved to suspend the rules, in order that he might introduce a certain joint resolution; which was lost.

Mr. McClung introduced a bill to compensate Stephen Sparks for services rendered as Sergeant at arms, for the committee on the judiciary; which was read the first time and ordered to a second reading.

Mr. Erwin presented the memorial of the stockholders of the Merchants' and Planters' Bank of Mobile; which was laid on the table.

Mr. Hodges presented the petition of William E. Davis; which was referred to the committee on propositions and grievances.

Mr. Barclay moved to suspend the rules to enable him to introduce a resolution; which was lost.

Mr. Gresham introduced a bill for the relief of James M. Young; which was read the first time and ordered to a second reading.

Mr. Cooper moved to suspend the rules to introduce joint resolutions; which was lost.

Mr. Mundy moved to suspend the rules in order to take up the bill relative to Clay's Digest; which was carried.

The House then proceeded to the consideration of the bill to adopt, print, bind, and distribute the Digest compiled by C. C. Clay, Esq., and for other purposes.

Mr. Henley withdrew his motion to strike out two thousand five hundred dollars, in the sixth section.

Mr. Martin renewed the motion.

The question was then taken on the motion to strike out two thousand five hundred dollars, in the sixth section; which was carried—yeas 78, nays 10.

YEAS—messrs. Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Miree, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Bothwell, Cochran, Douglass, Dubose, Kennedy of L. Mundy, Murphey, Skipper, Smith of L. and Williams of J.

Mr. Dunn moved to strike out the words "not less than eight hundred;" which was carried.

Mr. Jones of G. moved to strike out all after the enacting clause, and insert a substitute.

The hour of twelve having arrived, Mr. Henley moved to suspend the further consideration of the bill in relation to the Digest, until three o'clock, P. M.; which was carried.

The House then took up the bill for the regulation of the Bank of the State of Alabama and its Branches, in relation to sixteenth sections.

The question was pending on Mr. Hubbard's amendment.

Mr. Calhoun moved the previous question.

Mr. Cooper moved to postpone the further consideration of the bill until the fourth Friday in January, and that it be made the special order for three o'clock on that day; which was lost—Yeas 33, Nays 58.

YEAS—messrs. Abernathy, Bishop, Cain, Cochran, Cooper, Douglass, Earle, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kendrick, Kidd, Lankford, Marchbanks, Martin, McMillion, Morris, Morrison, Norman, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Whorton and Winston of S.

NAYS—messrs. Speaker, Banks, Barron, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. McClung, McCoy, McLembre, Meriwether,

Miree, Moore of M. Moore of P. Morgan of C. Morrisett, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Smith of P. Smith of T. Tate, Ware, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward.

The question was then taken on Mr. Calhoun's motion for the previous question ; which was carried—Yeas 54, Nays 35.

YEAS—messrs. Speaker, Banks, Barron, Bothwell, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dear, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Gamble, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. McClung, McCoy, Meriwether, Miree, Moore of M. Moore of P. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Smith of P. Smith of T. Tate, Ware, Williams of P. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Cain, Cochran, Cooper, Earle, Findley, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kendrick, Kidd, Lankford, Marchbanks, Martin, McMillion, Morgan of C. Morrisett, Norman, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

Message from the Senate, by Mr. Scales :

Mr. Speaker—The Senate concur in the resolution of the House, to meet in the Hall of the House, on the seventh instant, at the hour of eleven o'clock, A. M., for the purpose of electing a judge of the county court of Tuscaloosa county ; and also in the resolution to convene in the Representative Hall, on Saturday next, for the purpose of electing a judge of the county court of Coffee county, and a member of the medical board at Florence.

A message from the Senate, by Mr. Clitherall :

The Senate has passed a bill to authorize the building of a jail in the city of Huntsville, in the county of Madison.

A message from the Senate, by Mr. Scales :

The Senate has passed a bill from the House, to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 6, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill to adopt, print, bind and distribute the new Digest, compiled by C. C. Clay, Esq., and for other purposes.

Mr. Calhoun moved to postpone the consideration of the bill, and proceed to the consideration of the bill under consideration, when the House adjourned this morning ; which was lost.

The House resumed the consideration of the bill to adopt, print, bind and distribute the new Digest compiled by C. C. Clay, Esq. and for other purposes.

Mr. Henley moved that the further consideration of the bill be post

poned until to-morrow, at half past eleven o'clock, A. M.; which was carried.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

SATURDAY, January 7, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of Jacob Hoss, Henry Kellom, Allen Johnson, James A. Patterson, T. A. Standifer, T. H. Blakemore, D. Henlee, W. F. Means and Moses T. Hughes.

Mr. Henley moved to refer all the accounts except that of Jacob Hoss, to the committee on accounts; which was carried.

The claim of Jacob Hoss was referred to the committee on propositions and grievances.

Mr. Whorton presented the petition of Wm. G. Cook and others; which was referred to the committee on the judiciary.

Mr. Calhoun introduced a bill to secure the performance of the duties of public ferrymen; which was read the first time.

Mr. Calhoun moved to suspend the rules, with a view of giving this bill a second reading forthwith; which was lost.

Mr. Rice moved to reconsider the vote just taken—which was carried.

The rule was then suspended, whereupon the bill received its second reading forthwith, and was referred to the committee on roads, bridges and ferries.

Mr. Winston of DeK. presented the petition of Elias Davies and others; which was referred to a select committee, composed of the delegations from De Kalb and Marshall counties.

Mr. Cooper, from the committee on divorce and alimony, to which was referred the record and decree of the Chancery court of Montgomery county, in the case of Thomas Downing vs. Sarah Downing, reported a bill to divorce Thomas Downing from his wife, Sarah Downing; which was read the first time, and ordered to a second reading.

Mr. Jones of G. from the committee on accounts, to whom was referred a bill for the relief of Abel Pool, reported the bill as reasonable, and recommended its passage.

The bill was then read the third time, and passed.

Mr. Jones of G., from the committee on accounts, to whom was referred the following accounts, to wit: the accounts of John Allen; four accounts of A. G. Carter, of Dale county—one for twenty-two dollars, one for sixteen dollars, one for twenty-six dollars, and one for nineteen dollars and fifty cents; an account of Wm. Long; two accounts of Hiram Tarwater—one for forty-one dollars and ninety cents, the other for four hundred and eighty dollars; an account of Henry Tattle; of Wm. H. Wharton; two accounts of Jesse Taylor—one for thirteen dollars and seventy cents, the other for four dollars and eighty cents; of James C. Blanklead; two accounts of Wm. Kennedy; an account of N. A. Moore; of Abraham Birdwell; of Zacharias Kenemar; of J. J. Lewis; of Thomas

Boliard, of James W. Crosby, of John Bolling, of John W. Robinson, of J. W. L. Read, of John H. Henderson; two accounts of J. Kirkland, of Weeks Pippin, and of Thomas J. Spriggs, reported, that none of the said several accounts ought to be allowed.

Mr. Rice moved to lay the report on the table; which was carried.

Mr. Moore, from the committee on the State Bank and Branches, to which was referred the bill for the relief of the representatives of David H. Burke, late of Mobile, reported that so far as the representatives of David H. Burke have any claim to relief, the courts of the State are competent to afford it, and that there was nothing in the circumstances of the case that requires the action of the House.

Mr. Moore of m. moved to lay the report on the table; which was lost.

Mr. Winston of DeK. moved to refer the report and bill to the judiciary committee; which was carried.

Mr. Dear, from the select committee, to whom was referred the petition of David W. Sterritt and sundry other citizens of Wilcox county, praying for the passage of an act requiring overseers of public roads in said county, to use lime rock in the construction of causeways instead of timber, when practicable and convenient, reported a bill to require overseers of public roads to use lime rock in the construction of causeways, in the county of Wilcox; which was read the first time and ordered to a second reading.

Mr. Campbell moved that the House now proceed with the orders of the day; which was carried.

Mr. Campbell moved to take up the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile; which was carried.

The bill then received its third reading.

Mr. Moore of m. moved to amend by engrossed ryder, by inserting the word "sold" in the third line of the tenth section, after the word "not;" which was carried.

Mr. Campbell moved to amend by way of engrossed ryder, by inserting the words "President and," in the seventh line of the third section, before "Directors;" which was carried.

Mr. Porter moved to amend by engrossed ryder, as follows:

*And be it further enacted,* That as soon as the State Bank and such of its Branches as are not put in liquidation, shall resume specie payments, it shall be, and is, hereby required of them, to redeem the notes of the Branch of the Bank of the State of Alabama at Mobile, as they redeem their own notes.

Mr. Moore of m. moved the previous question; which was lost. Yeas 25—nays 71.

YEAS—Messrs. Speaker, Barclay, Bishop, Caffey, Calhoun, Campbell, Clay, Dortch, Dunklin, Earle, Findley, Fletcher, Gamble, Henderson, Hill, Jones of Cov. Martin, McMillion, Moore of m. Morris, Scott, Skipper, Tate, Turner and Ware.

NAYS—messrs. Abernathy, Banks, Barron, Bothwell, Bridges, Cain, Cooper, Crowder, Cunningham, Dear, Douglass, Dubose, Dunn, English, Erwin, Fowler, Garland, Gasque, Griffin, Gresham, Harris, Harrison,

Hendrix, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McCoy, McLemore, Meriwether, Morris, Mitchell, Moore of P. Morgan of C. Morrisett, Morrison, Mundy, Murphy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Storrs, Valliant, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

Mr. Campbell moved to lay the amendment of Mr. Porter on the table.

Mr. Rice moved to suspend the further consideration of the bill, that he might have an opportunity to introduce a resolution; which was carried.

On motion of Mr. Rice—

*Resolved*, That the Senate be now invited into the Hall of the House of Representatives, for the purpose of going into the election of the following officers, to wit: A Judge of the county court of Blount county; a Judge of the county court of Tuscaloosa county; a Judge of the county court of Coffee county; and a member of the Medical Board of Florence.

The Senate then repaired to the Hall of the House—

The two Houses first proceeded to the election of a Judge for the county court of Tuscaloosa county—*Robert M. Garvin, Samuel A. Hale, Alexander B. Meek, Samuel J. D. Moore* and *Charles L. D. Williams*, being in nomination.

Those who voted for *Mr. Garvin*, are Mr. Rodgers, of the Senate; and Messrs. Campbell, Crowder, Fowler, Hubbard, and Morgan of C. of the House.

Those who voted for *Mr. Hale*, are messrs. President, Hudson, Jones, McAllister, McClanahan, Toulmin, Watkins and Wilson of F., of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Hill, Jones of Cov. Kennedy of M. Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—26.

Those who voted for *Mr. Meek*, are messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Jackson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Porter, Rice, Robinson, Roby, Scott, Smith of T. Valliant, Watts and Woodward, of the House—29.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, Hunter, McConnell and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dunklin, Findley, Griffin, Harrison, Hendrix, Hodges, Lankford, Marchbanks, Martin, Morrison, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—32.

Those who voted for *Mr. Williams*, are messrs. Arrington, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Cain, Dunn, Earle, Erwin, Gres-

ham, Harris, Henley, Jones of Con. Jones of G. Kidd, McCoy, McLemore, Mitchell, Morrisett, Norris, Pettit, Storrs, Tate and Ware, of the House—30.

Neither of the candidates having a majority of all the votes given, the two Houses proceeded to vote a second time.

Those who voted for *Mr. Garvin*, are messrs. Campbell, Crowder, Morgan of C. Morrison, Walker and Ware, of the House—6.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, Jones, McAllister, McClanahan, Rodgers, Toulmin, Watkins and Wilson of F. of the Senate; and Messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Jones of Cov. Kennedy of M. Moore of P. Morris, Mundy, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—29.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Norman, Porter, Rice, Robinson, Roby, Scott, Smith of T. Tate, Valliant and Woodward, of the House—29.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, McConnell and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Findley, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Lankford, Marchbanks, Martin, Murphey, Oliver, Pickett, Smith of L. Smith of P. Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—33.

Those who voted for *Mr. Williams*, are Messrs. Arrington, Buford, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and Messrs. Banks, Barron, Cain, Dunn, Earle, Erwin, Gresham, Harris, Henley, Jackson, Jones of Con. Jones of G. Kidd, McCoy, McLemore, Mitchell, Morrisett, Norris, Pettit and Storrs, of the House—30.

There being no election, the two Houses proceeded to ballot the third time.

Those who voted *Mr. Garvin*, are messrs. Campbell, Crowder, Gresham, Harris, McLemore, Morgan of C. Morrison, Robinson, Walker, Ware, Winston of DeK. and Winston of S. of the House—12.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Rodgers, Toulmin, Watkins and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Hill, Jones of Cov. Kennedy of M. Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner and Williams of P. of the House—27.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Porter, Rice, Roby, Scott, Smith of T. Watts, Valliant and Woodward, of the House—27.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, Mc-



Connell and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Earle, Findley, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Kidd, Lankford, Marchbanks, Martin, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Whorton, Williams of J. and Witherspoon, of the House—34.

Those who voted for *Mr. Williams*, are messrs. Arrington, Buford, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Cain, Dunn, Erwin, Henley, Jackson, Jones of Con. Jones of G. McCoy, Mitchell, Morrisett, Norris, Pettit and Storrs, of the House—25.

There being no election, the two Houses proceeded to vote the fourth time.

Those who voted for *Mr. Garvin*, are Mr. Rodgers, of the Senate; and messrs. Campbell, Crowder, Earle, Gasque, Jones of G. Morgan of C. and Morrison, of the House—8.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Toulmin, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Fowler, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—30.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Moores, Oliver, Reese, Ross, Walker, Walthall and Watrous, of the Senate; and Messrs. Speaker, Banks, Calhoun, Dortch, Dunn, English, Erwin, Gamble, Harris, Henderson, Jackson, Kendrick, Kennedy of L. McClung, Meriwether, Miree, Porter, Rice, Robinson, Roby, Scott, Smith of T. Valliant and Woodward, of the House—34.

Those who voted for *Mr. Moore*, are Messrs. Brindley and McConnell, of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Findley, Griffin, Harrison, Hendrix, Henley, Hodges, Hubbard, Kidd, Lankford, Marchbanks, Martin, McCoy, Moore of M. Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—38.

Those who voted for *Mr. Williams*, are messrs. Arrington, Buford, Dent, McVay, Phillips and Thornton, of the Senate; and messrs. Barron, Cain, Gresham, Jones of Con. McLemore, Norris, Pettit and Storrs, of the House—14.

There being no election, the two Houses proceeded to ballot the fifth time.

Those who voted for *Mr. Garvin*, are messrs. Harris and Morgan of C. of the House—2.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Rodgers, Toulmin and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Tate, Turner, Williams of P. and Winston of S. of the House.—28.

Those who voted for *Mr. Meek*, are messrs. Creagh, King, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Campbell, Dortch, English, Gamble, Gasque, Henderson, Jones of G. Kendrick, Kennedy of L. McClung, Meriwether, Miree, Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Valiant, Watts and Woodward, of the House—30.

Those who voted for *Mr. Moore*, are messrs. Arrington, Brindley, Fleming, McConnell, Moores, Phillips, Reese and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Dunn, Earle, Findley, Fletcher, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Con., Kidd, Lankford, Marchbanks, Martin, McCoy, Moore of M. Morrisett, Morrison, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Walker, Ware, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—50.

Those who voted for *Mr. Williams*, are messrs. Dent, McVay, Thornton and Watrous, of the Senate; and messrs. Barron, Cain, Erwin, Gresham, Henley, McLemore, Mitchell, Norris and Pettit, of the House—12.

There being no election, the two Houses proceeded to ballot the sixth time—the name of *Mr. Williams* being withdrawn.

For *Mr. Garvin*—none.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Buford, Hudson, Hunter, McAllister, McClanahan, Reese, Rodgers, Toulmin, and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Turner, Williams of P. and Winston of S. of the House—25.

Those who voted for *Mr. Meek*, are messrs. Creagh, Dent, King, McVay, Moores, Oliver, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Calhoun, Campbell, Dortch, English, Erwin, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant and Woodward, of the House—40.

Those who voted for *Mr. Moore*, are Arrington, Brindley, Fleming, McConnell, Phillips, Thornton, Watrous and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Dunn, Earle, Findley, Fletcher, Fowler, Griffin, Harris, Harrison, Henderson, Hodges, Hubbard, Jackson, Jones of Conecuh, Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of M. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Skipper, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—58.

There being no election, the two Houses proceeded to vote the seventh time.

For *Mr. Garvin*, none.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Buford, Hudson, Hunter, McAllister, McClanahan, Moores, Toulmin, and Wilson

of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Moore of P. Morris, Norman, Pynes, Turner and Winston of S. of the House—23.

Those who voted for *Mr. Meek*, are messrs. Creagh, Dent, King, McVay, Oliver, Reese, Ross, Walker, Walthall and Watkins, of the Senate; and Messrs. Speaker, Banks, Cain, Calhoun, Campbell, Dortch, Dunn, English, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, McMillion, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant, Watts, Williams of P. and Woodward of the House—44.

Those who voted for *Mr. Moore*, are Messrs. Arrington, Brindley, Fleming, McConnell, Phillips, Rodgers, Thornton, Watrous and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, Erwin, Findley, Fletcher, Fowler, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of m. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Richeson, Skipper, Smith of L. Smith of P. Walker, Ware, Whorton, Williams of J. Winston of DeK. and Witherspoon of the House—59.

There being no election, the two Houses proceeded to ballot the eighth time:

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hunter, McAllister, McClanahan, Toulmin, and Wilson of F. of the Senate; and messrs. Bothwell, Douglass, Dubose, Hill, Jones of Cov. Morris, Norman and Turner of the House—15.

Those who voted for *Mr. Meek*, are messrs. Buford, Creagh, Dent, Hudson, King, McVay, Moores, Oliver, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Barron, Calhoun, Dortch, Dunn, English, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, McMillion, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant, Winston of S. and Woodward of the House—44.

Those who voted for *Mr. Moore*, are messrs. Arrington, Brindley, Fleming, McConnell, Phillips, Reese, Rodgers, Thornton, Watrous, and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of mad. Moore of p. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Skipper, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Witherspoon of the House—67.

*Samuel D. J. Moore*, having received a majority of the whole num-

ber of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Tuscaloosa county, for the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the County Court of Blount county—*Patrick Scott* and *Thomas Shearer* being in nomination:

Those who voted for *Mr. Shearer*, are messrs. President, Arrington, King, Oliver, Phillips, Reese, Thornton, Walker, Walthall, Watkins and Watrous, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dortch, Dunklin, Dunn, Earle, English, Erwin, Gamble, Garland, Gresham, Harris, Harrison, Henderson, Hill, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kennedy of M. Kidd, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Ware, Watts, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Scott*, are Messrs. Baylor, Brindley, Creagh, Dent, Fleming, Hunter, McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin and Wilson of J. of the Senate; and Messrs. Bridges, Douglass, Dubose, Findley, Fletcher, Fowler, Gasque, Griffin, Hendrix, Hubbard, Lankford, Norman, Pynes, Smith of L. Valliant, Whorton, Williams of J. and Winston of DeK. of the House.

*Mr. Shearer*, having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Blount county, for and during the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the County Court of Coffee county—*James Claxton* and *Thomas Tucker* were put in nomination:

Those who voted for *Mr. Claxton*, are Messrs. McConnell, Phillips, Reese, Thornton, Walthall, Watkins and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Bothwell, Bridges, Caffey, Cain, Calhoun, Clay, Crowder, Cunningham, Dear, Dortch, Douglass, Dunklin, English, Fletcher, Fowler, Gamble, Gasque, Gresham, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Moore of P. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Porter, Pynes, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

Those who voted for *Mr. Tucker*, are Messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Hudson, Hunter, King, McAllister, McClanahan, McVay, Oliver, Rodgers, Ross, Toulmin,

Walker and Wilson of J. of the Senate; and Messrs. Bishop, Campbell, Cooper, Earle, Griffin, Henley, Jackson, Jones of Conecuh, Jones of Cov. McCoy, Morgan of C. Morris, Pickett, Smith of L. and Ware of the House.

Messrs. Erwin, Findley, Garland, Harris, Kidd, McLemore and Rice, voted for *Mr. Justice*, of Dale county.

*Mr. Claxton*, having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court for Coffee county, for and during the term prescribed by the constitution.

The two Houses next proceeded to elect a member of the Medical Board at Florence—*Doctor Nathan J. Winston* alone being nomination, received eighty-six votes, being the whole number cast, Mr. Speaker declared him duly and constitutionally elected a member of the Medical Board at Florence, during the term prescribed by the constitution.

The Senate then withdrew to its chamber.

The House then adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 7, 1843.

The House met pursuant to adjournment.

Mr. Skipper moved to suspend the consideration of the special order, that he might have an opportunity of introducing a resolution; which was carried.

On motion of Mr. Skipper—

*Resolved*, That with the concurrence of the Senate, the Doorkeeper of the House of Representatives and the Doorkeeper of the Senate be, and they are hereby, authorized and required to have the Capitol illuminated on the evening of Monday next, the ninth instant, in commemoration of the battle of the eighth of January, at New Orleans.

The House then proceeded to the consideration of the bill to adopt, print, bind and distribute the new Digest, compiled by C. C. Clay, Esq. and for other purposes.

Mr. Henley moved to postpone the consideration of the bill until Monday next, at eleven o'clock, and make it the special order for that hour; which was lost.

The question then recurred on the adoption of the substitute offered by Mr. Jones of G.

Mr. Campbell moved to lay the substitute on the table; which was carried. Yeas 63—nays 19.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Campbell, Cooper, Dortch, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Hendrix, Henderson, Hill, Hodges, Hubbard, Jackson, Jones, of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morris, Morrisett, Mundy, Murphy, Norman, Pettit, Pynes, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Tate, Turner, Valiant, Walker, Ware, Whorton, Williams of J. Williams of P. Winston of De<sup>U</sup>. Winston of S. and Woodward.

NAYS—messrs. Banks, Barron, Cain, Dear, Dunn, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McCoy, Morgan of C. Norris, Pickett, Porter, Robinson, Storrs and Witherspoon.

Mr. Campbell moved to amend the bill by striking out all of the first section after the word “hereby,” and to insert the word “received” in place of the word “establish;” which was carried.

Mr. Henley moved to amend by additional section, as follows:

*And be it further enacted,* That the Governor be, and he is hereby, authorized and required to have published, as early as convenient, fifteen hundred copies of all the laws contained in said Digest on the subject of schools and school lands; in pamphlet form, and have them distributed among the several counties of the State, in such manner that the commissioners of each township shall have one copy.

Which was lost.

Mr. Winston of DeK. moved to amend by inserting after the words “justice of the peace,” the words “and commissioners of roads and revenue in each county.”

Mr. Martin moved to lay the amendment of Mr. Winston on the table—which was carried.

Mr. Moore of M. moved to amend, by striking out the eighth section—which was carried.

Mr. Erwin of G. (Mr. Rice in the Chair,) moved to reconsider the vote striking out the eighth section—which was lost.

The question was then taken on ordering the bill to be engrossed,—and decided in the affirmative—yeas 63, nays 18.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Cain, Campbell, Cooper, Dear, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McMillion, Mirce, Moore, of M. Moore of P. Morris, Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pynes, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Ware, Whorton Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Banks, Barron, Dear, Dunn, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McCoy, Morgan of C. Norris, Pickett, Porter, Robinson, Storrs, and Witherspoon.

And then the House adjourned until Monday morning, at half past nine o'clock, A. M.

MONDAY, January 9, 1843.

The House met pursuant to adjournment.

A call of the House was ordered, and the following members answered to their names:

Messrs. Speaker, Bishop, Bridges, Caffey, Cain, Clay, Crowder, Dear, Dortch, Douglass, English, Erwin, Findley, Fowler, Gamble, Gresham, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, McClung, McLemore, McMillion, Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norman, Oliver, Pickett,

Porter, Pynes, Rice, Richeson, Roby, Scott, Skipper, Tate, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

Mr. Abernathy presented the petition of J. Baugh and L. Brewster; which was referred to the committee on education.

Mr. McLemore presented the petition of Baker Roberts, Charles Spence, and others; which was referred to a select committee, composed of the delegations from Sumter and Chambers counties.

Mr. Jones of Conecuh, introduced a bill for the relief of Lucinda Williamson; which was read the first time, and ordered to a second reading.

Mr. Jones of Cov. introduced a bill for the relief of the tax collector of Covington county; which was read the first time, and ordered to a second reading.

Mr. Scott, from the committee on enrolled bills, reported that they had examined—

A bill to attach a part of Fayette to Walker county:

Also, a bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church at Athens, Alabama; and find the same correctly enrolled.

Mr. Campbell introduced a bill to amend the laws now in force, for the creation of a school fund in the county of Mobile:

Mr. Rice introduced a bill to incorporate the Somerville Male Academy, in the county of Morgan:

Mr. Gresham introduced a bill to facilitate suits at common law:

Mr. Bridges introduced a bill to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county:

All of which were severally read the first time, and ordered to a second reading.

Mr. Bridges introduced a bill concerning the estates of deceased persons; which was read the first time—rule suspended, read the second time forthwith, and referred to the committee on the judiciary.

Mr. Bridges introduced a bill for the relief Ephraim Pharr and Thos. K. Beck:

Also, a bill to alter and amend an act entitled, an act to prevent the institution of illegal and oppressive suits in the United States Courts in this State:

Which were severally read the first time, and ordered to a second reading.

Mr. Bridges offered joint resolutions, concerning the distribution of the sixth census of the United States; which were read the first time, and ordered to a second reading.

Mr. Winston presented the petition of John W. Roden and others; which was referred to a select committee, composed of the delegations from De Kalb and Marshall counties.

Mr. Campbell introduced a bill for the compensation of the Judge of the County Court of Mobile county; which was read the first time.

Mr. Campbell moved to suspend the rules, with a view of giving this bill a second reading forthwith; which was carried.

Whereupon the bill received its second reading.

Mr. Campbell moved to amend by adding two sections; which was carried.

The bill was then ordered to be engrossed.

Mr. Skipper, from the select committee, to whom was referred the petition of John Crary and others, praying that the commissioners of township six, range twenty-one, in Coffee county, may be allowed by law to draw the sum of two hundred and seventy-five dollars, it being the tuition money to which said township is entitled for the year one thousand eight hundred and forty-one; and which sum the Branch Bank at Montgomery has not paid; reported a bill to appropriate a sum of money to township six, range twenty-one, in Coffee county, to which said township is entitled for tuition for one thousand eight hundred and forty-one; which was read the first time and ordered to a second reading.

Mr. Dear, from the select committee, to whom was referred the petition of Thomas Mason and sundry other citizens of township eleven, in the county of Wilcox, praying for the passage of an act for the relief of one Alexander McLeod, of said township and county, as surety for one Archibald K. Smith, for the purchase of a part of the sixteenth section of said township, and alledging that the said Smith is wholly insolvent and the other surety; reported a bill for the benefit of sureties of the purchasers of sixteenth sections; which was read the first time and ordered to a second reading.

Mr. Hendrix offered a memorial and joint resolutions of the General Assembly of the State of Alabama to the Congress of the United States in relation to a mail route.

Mr. Cochran moved their reference to a select committee, composed of the delegations from Benton, Talladega and Cherokee; which was carried.

Mr. Porter moved to take from the table the bill authorizing the signing and sealing of bills of exceptions in criminal cases; which was carried.

Mr. Porter moved to refer the bill to a select committee; which was carried. The committee consists of messrs. Porter, McClung, Campbell, Dear and English.

The House then took up the joint resolutions to provide means by which the settlers on the public lands may enter their lands in Alabama currency.

Mr. Campbell moved to postpone the further consideration of the joint resolutions until three o'clock, P. M., and that they be made the special order for that time; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House of Representatives—

A bill to authorize Patrick May and John A. Fortune to erect gates on a certain road therein named:

A bill to change the time of holding the county court of Walker county:

A bill to prohibit the raising of money by lottery:

A bill to extend the provisions of an act incorporating the town of Camden, in Wilcox county:



A bill to change the name of Crockettville, in Russell county, to that Crawford:

A bill to incorporate the Huntsville Mechanics Benevolent Association:

A bill for the relief of Jedediah Spencer, administrator of William Spencer, deceased.

The Senate has passed bills of the following titles—

A bill for the relief of purchasers of sixteenth section, township eighteen, range five, east, Coosa Land district:

A bill to attach a part of Perry to Greene county:

A bill regulating the place of holding special terms of the circuit court of Mobile county:

A bill to attach section thirty-four, township sixteen, range seven, of Coosa Land district to Talladega county:

A bill requiring an extra term of the Chancery Court of Sumter county:

A bill to authorize the amendment of writs of error:

A bill changing the mode of paying jailers for the support of insolvent prisoners, and for other purposes:

A bill regulating the number and pay of the Directors of the State Bank and its Branches:

A bill for the final settlement of the Planters' and Merchant's Bank at Mobile:

A bill to repeal several acts relating to sixteenth sections:

A bill concerning trustees:

A bill to carry into effect joint resolutions relative to the Constitution of Alabama:

Also a bill to confer upon the commissioners of roads and revenue, power to regulate the width of lanes of the second and third grades of roads.

Mr. Campbell moved to take up the bill to regulate the Branch Bank at Mobile; which was carried.

The question was then taken on Mr. Campbell's motion to lay Mr. Porter's amendment to the bill on the table; which was lost—yeas 40, nays 54.

YEAS—Messrs. Speaker, Barclay, Bishop, Bothwell, Cain, Calhoun, Campbell, Clay, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Hill, Hubbard, Kennedy of L. Martin, McClung, McMillion, Moore of M. Morgan of A. Mundy, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Williams of J. Williams of P. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Banks, Barron, Bridges, Caffey, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Erwin, Fowler, Garland, Harris, Harrison, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, McCoy, McLemore, Meriwether, Miree, Mitchell, Morgan of C. Morris, Morrisett, Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, and Winston of DeK.

The amendment was then read the second time.

Mr. Jackson moved to amend the amendment of Mr. Porter, by adding to the end thereof, the words, "in equal proportions according to capital;" which was carried.

Mr. Findley moved to amend by striking out all after the words, "enacted," in the amendment, and inserting, "That when the State Bank or such of the Branches as may not be placed in liquidation at the present session of the General Assembly, resumes specie payments the holder or holders of the bills of the said Bank shall be entitled to receive six per cent. per annum, from the date of such resumption: *Provided*, no interest shall be paid for a longer time than twelve months on any of said bills."

Mr. Dunn moved to lay the amendment on the table; which was lost.

YEAS—messrs. Banks, Barron, Bridges, Cochran, Cooper, Crowder, Cunningham, Dunn, Erwin, Garland, Harris, Harrison, Henlev, Hodges, Jackson, Jones of Conecuh, Kennedy of M. Marchbanks, McCoy, Mitchell, Morgan of C. Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Smith of P. Storrs, Valliant, Walker, Ware, Watts, Whorton and Winston of S.—39.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Dear, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Hill, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Lankford, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morrison, Mundy, Norman, Robinson, Scott, Skipper, Smith of L. Smith of T. Tate, Turner, Williams of J. Williams of P. Winston of DeK. Wither- spoon and Woodward—55.

The question then recurred on the adoption of Mr. Findley's amendment.

Mr. Watts called for a division of the question; which was first taken on striking out, and carried—yeas, 57—nays, 40.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Dear, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morris, Morrison, Mundy, Murphey, Norman, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Banks, Barron, Bridges, Cochran, Cooper, Crowder, Cunningham, Dunn, Erwin, Fowler, Garland, Harris, Harrison, Henley, Jackson, Jones of Conecuh, Kennedy of M. Marchbanks, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton and Winston of S.

The question was then taken on inserting the amendment of Mr. Findley, and decided in the affirmative.—Yeas 62—nays 29.

**YEAS**—messrs. Speaker, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Cunningham, Dear, Douglass, Dubose, Dunklin, Earl, English, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jones of Cov. Jones of Greene, Kennedy of L., Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Moore of P. Morrison, Mundy, Murphey, Norman, Norris, Oliver, Porter, Pynes, Scott, Skipper, Smith of L. Smith P. Tate, Turner, Williams of J. Williams of P. Witherspoon and Woodward.

**NAYS**—messrs. Abernathy, Banks, Bridges, Cochran, Crowder, Dortch, Erwin, Harris, Hubbard, Jackson, Jones of Conecuh, Mitchell, Moore of M. Morgan of A., Morgan of C., Morris, Morrisett, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Smith of T., Valliant, Walker, Ware, Watts, Whorton, and Winston of S.

Mr. Cochran moved to amend as follows, to come in at the end of Mr. Finley's amendment—

*“And provided further, That no interest shall be paid on said bills for a longer time than said Bank and Branches shall continue to pay specie.”*

Which was adopted.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate recedes from its amendment to the accompanying bill from the House of Representatives, authorizing the Circuit and county Court clerks of Wilcox county and the register in chancery, to make out and keep reversed indexes.

The Senate also concurs in the resolution proposing to illuminate the State Capitol to night, in commemoration of the glorious victory achieved by American arms at New Orleans, on the eighth of January, eighteen hundred and fifteen.

The House proceeded with the consideration of the bill for the regulation of the Branch Bank at Mobile.

Mr. Bridges moved to amend the amendment offered by Mr. Findley, by inserting the words “upon all their issues,” after the word “payment,” when it occurs in the fifth line; which was adopted.—Yeas, 57—nays, 30.

**YEAS**—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Clay, Cochran, Dortch, Dunklin, Earle, English, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Cov. Kennedy of M. Kidd, Marchbanks, Martin, McClung, McMillion, Miree; Moore of M. Morgan of A. Morris, Morrison, Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Tate, Turner, Valliant, Walker, Ware, Whorton, Williams of J. Winston of S. and Woodward.

**NAYS**—messrs. Bothwell, Campbell, Cooper, Douglass, Dubose, Dunn, Henley, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Lankford, McCoy, Meriwether, Mitchell, Moore of P. Morgan of C. Norris, Oliver, Pettit, Porter, Pynes, Smith of L. Smith of P. Smith of T. Watts, Williams of P. Winston of DeK. and Witherspoon.

Mr. Campbell moved the previous question; which was lost.—Yeas 37, Nays 51.

**YEAS**—messrs. Speaker, Abernathy, Bishop, Bridges, Campbell,

Clay, Cochran, Dortch, Douglass, Dunklin, Fletcher, Henley, Hubbard, Jones of Conecuh, Kennedy of M. Martin, McClung, Mitchell, Moore of M. Morgan of A. Morris, Morrisett, Murphey, Mundy, Rice, Richeson, Robinson, Scott, Skipper, Tate, Valliant, Walker, Watts, Whorton, Winston of S. and Woodward.

**NAYS**—messrs. Barclay, Barron, Bothwell, Caffey, Cain, Calhoun, Dear, Dubose, Dunn, Earle, English, Findley, Fowler, Gamble, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, McCoy, McMillion, Meriwether, Miree, Moore of P. Morgan of C. Morrison, Norman, Norris, Oliver, Pettit, Porter, Pynes, Smith of L. Smith of P. Smith of T. Ware, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

Mr. Rice moved to suspend the rule requiring the House to adjourn to three o'clock, P. M.; which was carried.

Mr. Garland moved to adjourn until ten o'clock to-morrow morning; which was lost—Yeas 26, Nays 64.

**YEAS**—messrs. Bothwell, Cain, Cooper, Dear, Dortch, Dubose, Earle, Gresham, Harrison, Henley, Jones of Conecuh, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, Morris, Oliver, Porter, Rice, Robinson, Scott, Skipper, Turner and Winston of S.

**NAYS**—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Douglass, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of G. Lankford, Marchbanks, McCoy, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norman, Oliver, Pettit, Pynes, Richeson, Roby, Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Witherspoon and Woodward.

Mr. Dortch moved to adjourn until half past nine o'clock to-morrow morning; which was lost—Yeas 32, Nays 56.

**YEAS**—Messrs. Bothwell, Cain, Cooper, Dear, Dortch, Douglass, Dubose, Earle, Gasque, Gresham, Harrison, Henley, Hill, Hubbard, Jones of Conecuh, Jones of Cov. Kennedy of L. Kidd, Lankford, Martin, McMillion, Morris, Morrison, Murphey, Pettit, Porter, Richeson, Skipper, Smith of P. Smith of T. Turner, Williams of P. and Winston of S.

**NAYS**—messrs. Speaker, Abernathy, Banks, Barclay, Barron Bishop, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Crowder, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Henderson, Hendrix, Hodges, Jackson, Jones of G. Marchbanks, McClung, McCoy, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of C. Morrisett, Mundy, Norman, Norris, Pynes, Rice, Robinson, Roby, Scott, Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams, of J. and Witherspoon.

The question recurred on the adoption of Mr. Findley's amendment as amended—and the amendment was adopted.—Yeas 43, nays 40.

**YEAS**—messrs. Barclay, Barron, Bishop, Bothwell, Calhoun, Campbell,

Douglass, Dubose, Dunklin, English, Findley, Gamble, Garland, Gasque, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McCoy, McMillion, Miree, Moore of P. Morrison, Norris, Oliver, Pynes, Skipper, Smith of P. Tate, Williams of J. Williams of P. and Witherspoon.

**NAYS**—messrs. Speaker, Abernathy, Bridges, Cain, Clay, Cochran, Cooper, Dortch, Dunn, Earle, Erwin, Fletcher, Fowler, Griffin, Hubbard, Jones of Conecuh, Martin, McClung, Moore of M. Morgan of C. Morris, Morrisett, Mundy, Murphey, Norman, Pettit, Porter, Rice, Richeson, Robinson, Roby, Scott, Storrs, Valliant, Walker, Ware, Watts, Whorton, Winston of S. and Woodward.

Mr. Walker notified the House, that he would on to-morrow, move a reconsideration of this vote.

The question was then taken on the passage of the bill, and carried.—Yeas 79, nays 3.

**YEAS**—messrs. Speaker, Abernathy, Barelay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Witherspoon and Woodward.

**NAYS**—Messrs. Clay, Dortch, and Winston of Sumter.

And then the House adjourned until to-morrow morning, at ten o'clock.

**TUESDAY, January 10th, 1843.**

The House met pursuant to adjournment.

Mr. Speaker laid before the House, a communication from J. C. Van Dyke, transmitting the accounts of William F. Deshon, Lankford Stallings, and Josiah Butts; which were referred to the committee on accounts.

Mr. Mundy moved to suspend the rules, with a view of taking up the bill relative to the Digest: which was carried.

Messrs. Smith of T. McLemore, Gresham, Winston of DeK. Harris, Kendrick, Banks, Dear, Meriwether, and Morgan of A. asked leave to record their votes on the passage of the bill for the regulation of the Branch Bank at Mobile; which was granted,—and each one voted in the affirmative.

The bill to adopt, print, bind, and distribute the new Digest, compiled by C. C. Clay, Esq., was then ordered to a third reading.

Mr. Moore of M. moved to fill the blank in the sixth section with two thousand dollars.

Mr. Tate moved to fill the blank with two thousand two hundred and fifty dollars; which was lost.—Yeas 30, nays 57.

YEAS—Messrs. Speaker, Abernathy, Bishop, Calhoun, Campbell, Cochran, Douglass, Dubose, Dunklin, Gamble, Gasque, Harrison, Hubbard, Kennedy of L. Marchbanks, Martin, McClung, Miree, Moore of P. Morgan of A. Morris, Mundy, Murphey, Norman, Pynes, Smith of T. Tate, Turner, Williams of J. and Williams of Pickens.

NAYS—messrs. Banks, Barclay, Barron, Caffey, Cain, Cooper, Crowder, Cunningham, Dear, Dortch, Dunn, Earle, English, Findley, Fletcher, Fowler, Garland, Gresham, Griffin, Harris, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kidd, Lankford, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Morgan of C. Morrisett, Morrison, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott, Smith of P. Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward.

The motion of Mr. Moore of M. to fill the blank in the sixth section, with two thousand dollars, was then carried—yeas 75, nays 15.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Crowder, Cunningham, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of M. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Barron, Dear, Dunn, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McLemore, Morgan of C. Norris, Oliver, Pickett and Witherspoon.

Mr. Hubbard moved to fill the blank in the seventh section, with seven hundred and ninety dollars.

Mr. McClung moved to fill the said blank with eight hundred and fifty dollars; which was carried—yeas 60, nays 26.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Dortch, Douglass, Dubose, Dunklin, English, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Hendrix, Hill, Hodges, Hubbard, Jackson, Kendrick, Kennedy of L. Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Moore of P. Morgan of A. Morris, Morrison, Mundy, Murphey, Norman, Pettit, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. and Woodward.

NAYS—Messrs. Banks, Barron, Crowder, Cunningham, Dear, Dunn, Earle, Findley, Gresham, Henley, Jones of Conecuh, Jones of Cov. Jones of G. Kidd, Lankford, McCoy, McLemore, Morgan of C. Nor-

ris, Oliver, Pickett, Scott, Storrs, Ware, Winston of DeK. and Witherspoon.

Mr. Bridges moved to fill the blank in the fourth section with "four;" which was lost.

Mr. McClung moved to fill the said blank with "three;" which was carried.

The question was then taken on the passage of the bill, and decided in the affirmative.

Yeas 66—nays 22.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harrison, Henderson, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morrisett, Morrison, Mundy, Murphey, Norman, Pettit, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Banks, Barron, Cunningham, Dear, Dunn, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McCoy, McLe-more, Mitchell, Morgan of C. Norris, Oliver, Pickett, Porter, Robinson, Storrs and Witherspoon.

Mr. Jones of G. moved to amend the caption of the bill by striking out the words "adopt," and insert the word "receive" in lieu thereof; which was carried.

Ordered, that the same be sent to the Senate forthwith.

Mr. McClung moved to suspend the rule requiring the call of the counties—which was carried.

Mr. McClung, from the committee on the judiciary, to which was referred the bill for the retrenchment of expenses in judicial proceedings, reported the same back to the House, with sundry amendments, and recommended its passage.

The hour of twelve having arrived the House proceeded to the consideration of the bill to repeal in part the act appropriating two hundred thousand dollars annually, in aid of valueless sixteenth sections—it being a special order.

Mr. Calhoun moved that the bill be considered as engrossed and receive its third reading forthwith.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a joint resolution from the House concerning the sixteenth section, of township seventeen, range six, east:

Also, a bill to establish a board of physicians in the counties of Talladega, Chambers, and Barbour:

And a bill to reduce the salaries of certain officers therein named:

And then the House adjourned until three o'clock, P. M.

## AFTERNOON SESSION, January 10, 1843.

The House met pursuant to adjournment:

Mr. Calhoun, from the joint examining committee on the State Bank and Branches, reported that they had turned their whole attention to ascertaining the condition of the debts owing to the State Bank and Branches, as to the manner in which said debts are received. They have had the aid of the delegations from each county carefully applied to the indebtedness of their respective constituents. The two tables herewith presented show the result of their labor. We classed under the head of doubtful debts, all those that were unknown. The table marked A is a condensed statement of the entire good, bad, and doubtful debts of each county to all the Branches.

Mr. Winston of DeK. moved that the report lie on the table, and that five thousand copies be printed.

Mr. Norris called for a division of the question; which was first taken on lying on the table; and carried.

The question was then taken on ordering five thousand copies to be printed, and decided in the affirmative:--Yeas 43--nays 37.

YEAS—messrs. Abernathy, Cain, Calhoun, Cooper, Dnnn, Earle, Windley, Fletcher, Gamble, Griffin, Harrison, Henderson, Hendrix, Hentley, Hill, Hodges, Jackson, Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McCoy, McMillion, Mitchell, Morgan of A. Morris, Morrison, Mundy, Norman, Oliver, Pettit, Porter, Pynes, Rice, Scott, Smith of P. Tate, Turner, Valliant, Williams of J. Williams of P. and Winston of DeK.

NAYS—messrs. Speaker, Banks, Barron, Bishop, Bridges, Caffey, Clay, Crowder, Dear, Dortch, Douglass, Dubose, English, Fowler, Garland, Gasque, Harris, Jones of Conecuh, Jones of G. McClung, Miree, Moore of M. Moore of P. Morgan of C. Norris, Pickett, Richeson, Robinson, Roby, Skipper, Storrs, Ware, Watts, Whorton, Winston of S. Witherspoon and Woodward.

Mr. Scott, from the committee on enrolled bills reported that they had examined,

An act to authorize the amendments of writs of error:

A bill to authorize Patrick May and John A. Fortune, to erect gates on a certain public road therein named:

A bill to incorporate the Huntsville Mechanics' Benevolent Association:

A bill to change the time of holding the county court of Walker county:

A bill for the relief of Jedediah Spencer, administrator of Wm. Spencer, deceased:

Also, joint resolutions concerning the sixteenth section of township seventeen, range six, east, and find the same correctly enrolled.

Mr. English, from the committee on enrolled bills, reported, that they had examined,

A bill to extend the provisions of the third section of an act, entitled an act, to incorporate the town of Camden, in the county of Wilcox:



A bill to change the name of Crockettville, in Russell county, to that of Crawford:

A bill to prohibit the raising of money by lottery:

A bill to authorize the clerks of the circuit and county courts of the county of Wilcox, and register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts:

Also, a bill to alter and define the southern boundary line of East Wetumpka; and find the same correctly enrolled.

Mr. English moved to suspend the special order, that he might introduce a resolution; which was lost.

The House then proceeded to the consideration of the bill to repeal in part an act appropriating two hundred thousand dollars annually to valueless sixteenth sections; and the question was taken on Mr. Calhoun's motion to consider the bill as engrossed, and give it its third reading forthwith; which was carried—Yeas 58, Nays 39.

YEAS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dear, Dorich, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. McClung, McCoy, McLemore, Meriwether, Miree, Moore of m. Moore of P. Morgan of C. Mundy, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Smith of P. Smith of T. Tate, Turner, Ware, Watts, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Cain, Cochran, Cooper, Douglass, Earle, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kendrick, Kennedy of m. Kidd, Lankford, Marchbanks, Martin, McMillion, Mitchell, Morgan of A. Morris, Morrison, Murphey, Norman, Porter, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Whorton and Winston of DeK.

Mr. Henley moved the previous question; which was sustained—Yeas 55, Nays 40.

YEAS—messrs. Speaker, Banks, Barron, Caffey, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dorich, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Garland, Gasque, Harrison, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. McClung, McCoy, McLemore, Meriwether, Miree, Moore of m. Moore of P. Morgan of A. Morgan of C. Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Smith of P. Smith of T. Tate, Turner, Ware, Watts, Williams of P. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Cain, Cochran, Douglass, Earle, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Kendrick, Kennedy of L. Kennedy of m. Kidd, Lankford, Marchbanks, Martin, McMillion, Mitchell, Morris, Morrison, Mundy, Murphey, Norman, Porter, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

The following is the amendment offered by Mr. Hubbard, and cut off by the previous question:

*And be it further enacted, That in lieu of the said sum of two*

hundred thousand dollars, heretofore furnished by said Banks, there shall be levied and collected, by the several tax collectors in this State, the following sums, to wit: "upon all goods, wares, merchandise, real or personal estate, sold at auction, (otherwise than by execution or estates of deceased persons,) the sum of twenty-five cents, upon each hundred dollars' worth so sold; upon all sums used in the purchase of bank notes, promissory notes, bills, bonds, judgments or other securities for the payment of money, one dollar, for each hundred dollars of notes, bonds, bills, bank notes, judgments or other securities so bought; upon all money loaned at interest, twenty-five cents upon each hundred dollars' worth so loaned; upon all salaries or incomes from offices, twenty-five cents per hundred dollars' worth of income or salary received; upon all incomes arising from professional pursuits, twenty-five cents on each hundred dollars' worth of income; upon all slaves not liable to work upon the road, one dollar each: all of which sums shall be paid over by the several tax collectors to the Treasurer of the State, for the purpose of the support of the said sixteenth sections, to be distributed in the same manner as heretofore provided for by the Banks.

*And be it further enacted,* That the profits which hereafter may be made by the surplus revenue, shall be annually paid over to the State treasurer by the State Bank or any of its Branches having the same in possession, for the purpose aforesaid; all of which sums, shall be collected in gold and silver coin, or the notes of the Bank of the State of Alabama or its branches.

*And be it further enacted,* That the clerk of the Supreme Court, and the clerks of the several circuit and county courts, and sheriffs of the State shall be compelled to give in upon oath, to the tax collectors of the several counties, the amount of all the fees and emoluments received by them respectively; and all sums received by the clerk of the Supreme Court above fifteen hundred dollars per annum, of the several circuit and county courts exceeding one thousand dollars; each and all sums received by the several sheriffs exceeding two thousand dollars per annum, shall be paid over into the State treasury for the purposes aforesaid.

The question was then taken on the passage of the bill, and carried—yeas 57, nays 39.

YEAS—Messrs. Speaker, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Crowder, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Erwin, Findley, Gamble, Garland, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kennedy of L. McClung, McCoy, McLemore, Meriwether, Miree, Moore of M. Moore of P. Morgan of C. Mundy, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Smith of P. Smith of T. Tate, Turner, Ware, Watts, Williams of P. Winston of S. Witherspoon and Woodward.

NAYS—Messrs. Abernathy, Barclay, Bishop, Cain, Cochran, Cooper, Douglass, Earle, Fletcher, Fowler, Gresham, Griffin, Hendrix, Hubbard, Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McMillion, Mitchell, Morgan of A. Morris, Morrison, Murphey, Ner-

man, Porter, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

So the bill passed.

Mr. Campbell moved to amend the title of the bill by striking out the words "in part;" which was carried.

The House then proceeded to the consideration of the bill for the regulation of the Branch of the Bank of the State of Alabama at Decatur.

The bill was read a third time.

Mr. Campbell moved to amend the bill by way of engrossed rider, as follows—

*And be it further enacted*, That when the State Bank or such of the Branches as may not be placed in liquidation at the present session of the General Assembly, resumes specie payments upon all their issues, the holder or holders of the bills of the said Branch Bank shall be entitled to receive six per cent. per annum, from the date of such resumption of specie payments: *Provided*, no interest shall be paid for a longer time than twelve months, on any of its bills: *And provided further*, that no interest shall be paid on said bills for a longer time than said Bank and Branches, shall continue to pay specie."

Mr. Norris moved to amend the amendment, by striking out the words "on all their issues," where they occur; which was lost.

The question was then taken on the adoption of Mr. Campbell's amendment; and carried.—Yeas 57, nays 33.

YEAS—messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Campbell, Cochran, Cunningham, Dear, Douglass, Dubose, Dunklin, English, Findley, Gamble, Garland, Gasque, Gresham, Harrison, Hendrix, Henderson, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McCoy, McLemore, McMillion, Meriwether, Miree, Moore of P. Morgan of A. Morrison, Murphey, Norris, Oliver, Pynes, Robinson, Smith of L. Smith of P. Smith of T. Tate, Turner, Ware, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Banks, Bridges, Cooper, Dortch, Dunn, Erwin, Fletcher, Fowler, Griffin, Henly, Hubbard, McClung, Mitchell, Moore, of M. Morgan of C. Morris, Morrisett, Mundy, Pettit, Pickett, Porter, Rice, Richeson, Roby, Scott, Storrs, Valliant, Walker, Watts, Whorton, Winston of S. and Woodward.

Mr. McClung moved the previous question; which was carried.—Yeas 71, nays 19.

YEAS—messrs. Speaker, Abernathy, Banks, Barron, Caffey, Calhoun, Campbell, Cochran, Cooper, Crowder, Cunningham, Dubose, Dunklin, English, Erwin, Findley, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harrison, Henderson, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, Meriwether, Miree, Mitchell, Moore of M. Moore, of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Murphey, Oliver, Pickett, Porter, Pynes, Robinson, Scott, Smith of P. Smith of T. Storrs, Tate, Tur-

ner, Walker, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

NAYS—Messrs. Barclay, Bishop, Bridges, Cain, Dear, Douglass, Dunn, Fletcher, Kidd, McMillion, Mundy, Norris, Pettit, Rice, Richeson, Roby, Smith of L. Valliant, and Williams of J.

The main question—shall the bill pass? was decided in the affirmative. Yeas 82, nays 7.

NAYS—Messrs. Speaker, Abernathy, Banks, Barron, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Cunningham, Dear, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harrison, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of m. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

NAVS—Messrs. Barclay, Bishop, Rice, Roby, Valliant, Walker, and Williams of J.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

WEDNESDAY, January 11th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House, a communication from J. C. Van Dyke, transmitting the account of George Huggins, jailer of Mobile county; which was referred to the committee on accounts.

Mr. Morrisett asked leave to record his vote on the passage of the bill to repeal an act in aid of valueless sixteenth sections; which was granted.

Mr. Morrisett voted in the affirmative.

Mr. Pettit introduced joint resolutions, proposing a change in the Constitution; which were read the first time.

Mr. Banks moved to lay the joint resolutions on the table; which was lost.—Yeas 39, nays 51.

YEAS—messrs. Speaker, Banks, Barron, Cain, Campbell, Clay, Dortch, Douglass, Dubose, English, Findley, Fowler, Garland, Henley, Hill, Jones of G. Kennedy of L., Marchbanks, McClung, Meriwether, Moore of m. Morris, Morrison, Pickett, Porter, Rice, Richeson, Robinson, Smith of L. Smith P. Tate, Turner, Valliant, Walker, Whorton, Williams of P. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Caffey, Calhoun, Cochran, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, Erwin, Fletcher, Gamble, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of m. Kidd, Lankford, Martin, McCoy, McLemore, Miree, Mitchell, Moore of P. Morgan of A. Morgan of C. Morrisett, Mundy,

Norman, Norris, Oliver, Pettit, Pynes, Roby, Scott, Storrs, Ware, Watts, Williams of J. and Winston of DeK.

The joint resolutions were then ordered to a second reading.

Messrs, Clay, Earle, and Dortch, asked leave to record their votes on the passage of the bill for the regulation of the Branch Bank at Decatur; which was granted—and each one voted in the affirmative.

Mr. Barclay asked leave to record his vote on ordering five thousand copies of the report of the joint examining committee, to be printed; which was granted. Mr. Barclay then voted in the negative.

Mr. Cochran introduced a bill to regulate the Branch of the Bank of the State of Alabama at Montgomery; which was read the first time.

Mr. Winston of DeK. moved to suspend the rules, with a view of giving the bill a second reading forthwith.

Mr. Moore of M. moved to lay the bill on the table; which was lost.—Yeas 30, nays 65.

YEAS—messrs. Speaker, Banks, Barron, Bridges, Calhoun, Campbell, Clay, Dunklin, Gasque, Harrison, Henderson, Hill, Jones of Cov. Jones of G. Marchbanks, McClung, Meriwether, Miree, Moore of M. Moore of P. Morrison, Mundy, Norris, Porter, Smith of P. Smith of T. Storrs, Williams of J. Williams of P. and Witherspoon.

NAYS—messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Hendrix, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Martin, McCoy, McLemore, McMillion, Mitchell, Morgan of A. Morgan of C. Morris. Morrisett, Norman, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Tate, Turner, Valiant, Walker, Ware, Watts, Whorton, Winston of DeK. Winston of S. and Woodward.

Mr. Cochran moved that it be made the special order for three o'clock, to-morrow evening.

Mr. Moore of M. moved that it be made the special order for three o'clock on Friday next; which was lost.

The question was then taken on Mr. Cochran's motion, to make it the special order for three o'clock, to-morrow evening; and decided in the affirmative.

Mr. Martin introduced a bill to regulate the Branch of the Bank of the State of Alabama, at Huntsville; which was read the first time.

Mr. Martin moved to postpone the further consideration of the bill, until three o'clock, Friday evening, and that it be made the special order for that hour; which was carried.

Mr. Morgan of C. introduced joint resolutions in relation to sixteenth section of township twenty-two, range twenty-five; which was read the first time, rule suspended, and the second time forthwith, and referred to a select committee—composed of the delegations from Chambers, Tallapoosa, and Perry.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills—

A bill to repeal an act requiring the Governor to reside at the seat of government during the interval of the Legislature:

A bill for the relief of the purchasers of the sixteenth section, township thirteen, range eleven, in Marion county.

Mr. Calhoun introduced a bill explanatory of an act for the relief of Cassandra Kelly; which was read the first time.

Mr. Calhoun moved to suspend the rule, with a view of having this bill read a second time forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Garland introduced a bill to restrain excessive demands in the collection of debts due by the citizens of Alabama; which was read the first time.

Mr. Jones of G. moved the indefinite postponement of the bill; which was carried.—Yeas 58, nays 37.

YEAS—messrs. Speaker, Barron, Banks, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Dunn, Earle, English, Erwin, Fowler, Gasque, Gresham, Harris, Harrison, Henley, Hill, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, McClung, McCoy, Mitchell, Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Norris, Oliver, Pettit, Pickett, Porter, Robinson, Roby, Skipper, Smith of L. Tate, Ware, Watts, Whorton, Williams of P. Winston of S. Witherspoon, and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Douglass, Findley, Fletcher, Gamble, Garland, Griffin, Henderson, Hubbard, Jones of Conecuh, Jones of Cov. Kennedy of M. Marchbanks, Martin, McMillion, Meriwether, Miree, Moore of M. Morris, Mundy, Norman Pynes, Rice, Richeson, Scott, Smith of P. Storrs, Turner, Valliant, Walker, Williams of J. and Winston of DeK.

So the bill was indefinitely postponed.

Mr. McClung introduced a bill concerning chancery practice; which was read the first time, and ordered to a second reading.

Mr. Oliver introduced a bill to incorporate the Aberfoil Male and Female Academy, in the county of Macon; which was read the first time, and ordered to a second reading.

Mr. Henley introduced a bill in relation to school funds arising from sixteenth sections, in certain counties therein named; which was read the first time, rule suspended, read a second time forthwith, and

On motion of Mr. Henley, referred to a select committee, composed of one member from each judicial circuit.

The hour of twelve having arrived—

Mr. Fletcher moved to suspend the rules, in order to proceed with the call of the counties; which was carried.

Mr. Henley introduced a bill to change the time of holding the County Court of Marengo county:

Also, a bill to provide for the preservation of the minutes and records of certain courts therein named.

Mr. Fletcher introduced a bill to repeal in part a certain act therein named.

All of which were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed the accompanying bill, from the House of Representatives, to compensate A. Crozier and Son, for purchasing weights and measures for this State.

Mr. Dunn introduced a bill to incorporate the Congregation of Israelites of Shara Shahmayein; which was read the first time.

Mr. Dunn moved to suspend the rules, with the view of giving this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Dunn presented the petition of Bernhard S. Tim, and other citizens of Mobile county; which was laid on the table.

Mr. McCoy introduced a bill to incorporate the Trustees of the Bishop's Fund of the Protestant Episcopal Church, in the Diocese of Alabama:

Mr. Crowder introduced a bill to amend the law altering the mode of assessing and collecting the taxes in Pike county:

Mr. Dortch introduced a bill for the relief of Wm. K. Bullock, and James Hanse, of Sumter county:

Which were severally read the first time, and ordered to a second reading.

Ordered, that Mr. Watts have leave to withdraw the account of John Bolling.

Mr. Barclay introduced a bill to provide for the education of indigent children; which was read the first time, and ordered to a second reading.

Ordered, that Mr. Kennedy of Mr. have leave to withdraw the accounts of James G. Bankhead, Jesse Taylor, Hiram Tarwater, and Wilson Kennedy.

Ordered, that leave be granted to Mr. Fletcher to withdraw the account of Zacharias Kennemar.

Mr. Porter presented the petition of Ralen Jeffers, and others; which was laid on the table.

Mr. Speaker laid before the House, a communication from James G. Carroll, Adjutant and Inspector General, transmitting the abstract report of the strength and condition of the State of Alabama; which was referred to the committee on the military.

Mr. Cooper moved to suspend the special orders, in order that the House might take up the joint resolutions to provide a means by which the settlers of the public lands may enter their homes in Alabama currency.

Mr. Calhoun moved to postpone indefinitely; which was lost.

Mr. Cooper moved to refer the joint resolutions to a select committee, composed of one member from each judicial circuit; which was carried.

The House then proceeded to the consideration of the bill to regulate the Bank of the State of Alabama, and the Branches at Huntsville and Montgomery.

Mr. Martin moved to postpone the consideration of the bill until Saturday next, and make it the special order for twelve o'clock, of that day.

And then the House adjourned until three o'clock, P. M.

## AFTERNOON SESSION, January 11th, 1843.

The House met, and proceeded to the consideration of the bill to regulate the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery.

The question pending on the motion of Mr. Martin, to postpone the consideration of the bill until Saturday, at twelve o'clock, and make it the special order for that day.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled—

An act to compensate A. Crozier and Son, for purchasing weights and measures for the State, under a contract with the Secretary of State.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill from the House of Representatives, entitled, an act to receive, print, bind, and distribute the new Digest, compiled by C. C. Clay, Esq., and for other purposes.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled:

An act to receive, print, bind and distribute, the new Digest, compiled by C. C. Clay, Esq., and other purposes.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

## THURSDAY, January 12, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the account of J. Lacey & Co.; which was referred to the committee on accounts.

Mr. Jackson introduced a bill, to authorize and require the commissioners' court of roads and revenue, of Barbour county, to build a jail in said county; which was read the first time.

Mr. Barron moved to suspend the rules with a view of giving this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Jackson introduced a bill in relation to sheriffs, and other officers; which was read the first time, and ordered to a second reading.

Mr. Jackson introduced a bill, to amend an act, entitled an act, to regulate judicial proceedings; which was read the first time, and Mr. Ware moved to lay the bill on the table; which was carried—Yeas 44—nays 35.

YEAS—messrs. Abernathy, Barclay, Caffey, Cochran, Dortch, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Garland, Gasque, Griffin, Hubbard, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, Meriwether, Miree, Moore of P. Morris, Mundy, Pickett, Porter, Richeson, Robinson, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Ware, Whorton, Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Speaker, Banks, Barron, Bishop, Cooper, Crowder,



Cunningham, Earle, Fowler, Gamble, Gresham, Harris, Harrison, Henley, Hill, Hodges, Jackson, Jones of Conecuh, McMillion, Mitchell, Moore of M. Morgan of C. Morrisett, Morrison, Murphey, Norman, Norris, Oliver, Pettit, Pynes, Rice, Scott, Williams of J. Williams of P. and Witherspoon.

So the bill was laid on the table.

Mr. Jackson introduced a bill to regulate and define the duties and liabilities of constables, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. Watts presented the account of John Bolling, jailer of Butler county; which was referred to the committee on accounts:

Mr. Watts introduced a bill, to incorporate the town of Greenville, in Butler county, and for other purposes:

Mr. Cooper introduced a bill defining the duties of the commissioners of roads and revenues for the county of Cherokee, and for other purposes:

Mr. Morris introduced a bill for the relief of the purchasers of the sixteenth section, of township sixteen, range fifteen, west, in Fayette county; which were severally read the first time and ordered to a second reading.

Mr. Erwin of G. (Mr. Rice in the Chair,) notified the House, that he would, on to-morrow, offer the following resolution—which lie over one day:

*Resolved*, That the following alterations and additions be made to the standing rules of the House:

*Rule 1st.* It shall not be in order to suspend the rules of the House, nor the orders of the day, whether general or special, nor to take up any bill or joint resolutions, out of its order, among the orders of the day, without the concurrence of two thirds of the members present.

*Rule 2d.* At the end of the tenth rule, add the following—"when his name is called, if in the House at the time of the call, no member shall be permitted to change his vote, unless he shall first state to the House that he voted through mistake; and no member shall be permitted to give, or have his vote recorded, on any question after the result of the vote thereon shall be announced by the Speaker; nor shall any member, when a vote is being taken by yeas and nays, be permitted, when his name is called, to assign reasons for his vote.

Mr. McMillion presented the petition of H. G. Britton and others; which was referred to the committee on accounts.

Mr. Henley presented the petition of Pleasant H. May and others; which was referred to a select committee, composed of the delegations from Marengo and Sumter.

Mr. Griffin presented the petition of Joseph H. Jett and others; which was referred to a select committee, composed of the delegations from Marshall and De Kalb counties.

Mr. Porter introduced a bill to authorize Joseph Mahony to erect gates across a certain road; which was read the first time, and ordered to a second reading.

The House then resumed the consideration of a bill for the retrenchment of expenses in judicial proceedings.

The amendment of the committee being concurred in, the bill was ordered to be engrossed for a third reading.

Mr. Woodward, from the committee on roads, bridges and ferries, to which was referred a bill to secure the performance of the duties of public ferrymen, reported the bill back to the House, with the amendment, that where the words "river" occurs in the ninth line of the first section, to add the words, "or creek."

The amendment being concurred in, the bill was ordered to be engrossed for a third reading.

Mr. Woodward, from the same committee, to which was referred the petition of Bryant Cobb, & Co., praying the passage of a law authorizing them to establish a turnpike road, reported that the prayer is unreasonable, and ought not to be granted.

Mr. McClung moved to lay the report on the table—which was carried.

Mr. Woodward, from the same committee, to which was referred the petition of Wm. W. Lowe, praying the passage of a law to grant him the privilege of turnpike on a certain road in Tuscaloosa county, reported, that the prayer should not be granted.

The report was concurred in.

Mr. Woodward, from the same committee, to which was referred the petition of Wm. H. Garrett, praying the passage of a law, authorizing him to establish a public ferry on Coosa river in Cherokee county, at Childersville, reported, a bill to authorize Wm. H. Garrett to establish a ferry on Coosa river, in Cherokee county—which was read the first time. and Mr. Cooper moved to suspend the rules with a view of giving this bill a second reading forthwith—which was lost.

The bill was then ordered to a second reading.

Mr. Woodward, from the same committee, to which was referred the petition of B. G. Bollard, praying the passage of a law, authorizing him to establish a turnpike road from Jacksonville, Benton county, to Lebanon, De Kalb county, reported, a bill authorizing B. G. Bollard to open a turnpike road; which was read the first time, and Mr. Abernathy moved to lay the bill on the table; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House, for the relief of Abel Pool:

A bill, requiring the tax collector of Benton county, to receive county claims in payment of county taxes:

Also, a bill, to incorporate the Warrior manufacturing company.

Mr. McClung, from the judiciary committee, to whom was referred a bill from the Senate for the relief of Alexander Campbell, and other purchasers of school lands in Randolph county, reported the bill back to the House with the following amendment, after the word "Montgomery," where it occurs in the fourth line, insert the word "be." Strike out the word "respectfully," where it occurs in the said bill, and insert the word "respectively," in lieu thereof.

The amendment being concurred in, the bill was ordered to a third reading.

Mr. McClung, from the same committee, to which was referred the petition of Caleb Bordin and Lankford Wesson, of Lawrence county, praying the rescision of a certain contract, in relation to the sixteenth section, of township eight, range eight, in said county—reported, that it is not within the constitutional competency of the legislature to pass a law such as prayed for.

The report was concurred in.

Mr. McClung, from the same committee, to whom was referred a bill in relation to the estates of deceased persons—reported the bill back to the House, with the following amendments, to wit:—strike out the words “three years,” when they occur in the said bill, and insert in lieu thereof the words “eighteen months,” and at the end of the first section of said bill, add the following proviso:—“*Provided*, that the provisions of this act shall not extend to persons under age, *femes covert*, persons insane or *non compos mentis*; nor to claims of heirs, legatees, or distributees, claiming as such.”

The amendment being concurred in, the bill was ordered to be engrossed for a third reading.

Mr. McClung, from the same committee, to whom was referred the petition of certain citizens of Clarke county, praying the passage of a law, conferring the privileges of citizenship on Samuel Fisher—reported a bill for the relief of Samuel Fisher, of Clarke county; which was read the first time, and ordered to a second reading.

Mr. McClung, from the same committee, to which was referred the petition of certain citizens of Barbour county, praying the rescision of a certain contract, in relation to the sixteenth section, of township thirteen, range twenty-seven, in said county—reported, that it is inexpedient to legislate on the subject.

The report was concurred in.

Mr. McClung, from the same committee, to whom was referred so much of the Governor’s message as relates to the abbreviation of legal forms—reported, that the bill for the retrenchment of expenses in judicial proceedings already in progress, contains all the salutary provisions necessary to be adopted.

The report was concurred in.

Mr. McClung, from the same committee, to whom was referred the petitions of J. Wayles Baker, praying a stay of execution on a judgment obtained against him by the State of Alabama, on a forfeited recognizance—reported, that the prayer of said petitioner is unreasonable, and ought not to be granted.

Mr. Walker, moved to lay the report and petition on the table; which was carried.

Mr. McClung, from the same committee, to whom was referred the petition of sundry citizens of Blount county, praying a repeal of the laws now in force, exempting certain property from execution—reported, that it is inexpedient to legislate on the subject.

The report was concurred in.

Mr. McClung, from the same committee, to whom was referred a bill concerning the estates of deceased persons—reported the same back to the House, and recommended its passage.

Mr. Bridges moved that the bill be considered as engrossed, and receive its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. McClung, from the same committee, to whom was referred the petition of James Paget and others, praying for the passage of a law confirming and making valid an alledged sale of part of the sixteenth section, township three, range fourteen, in the county of Covington—reported, that it would be inexpedient and improper to legislate on the subject.

The report was concurred in.

Mr. McClung, from the same committee, to whom was recommitted a bill to legalize and confirm certain deeds of conveyance of *femes covert* heretofore made, reported unfavorably of said bill, and that it should not pass into a law.

Mr. Dear moved to lay the report on the table.

Mr. McClung moved to amend the motion, by including the bill also.

Mr. Dear called for a division of the question; which was first taken on laying the report on the table, and lost.

The report was then concurred in.

Mr. McClung, from the same committee, to whom was referred a bill to amend an act relating to executors and administrators, reported that the essential improvements contemplated in said bill, are already incorporated in a bill already in progress before the House; and therefore, that it should not pass.

Mr. Ware moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to whom was referred a bill to authorize Thomas S. Tate, of Russell county, to administer upon the estate of Jeremiah Waters, late of Cherokee county, deceased, reported that it is inexpedient to legislate on the subject.

Mr. Cooper moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to whom was referred a bill providing for the appointment of special registers in chancery in certain cases, reported that it is inexpedient to pass said bill.

The House concurred in the report.

Mr. McClung, from the same committee, to whom was referred resolutions of this House, instructing the committee to inquire into the expediency of remodelling the chancery court system, as adopted at the last session of the General Assembly, reported a bill to remodel the chancery districts of this State, and for other purposes; which was read the first time.

Mr. English moved to suspend the rules, with a view of giving this bill a second reading forthwith; which was carried.

And the bill received the second reading forthwith.

Mr. English moved to lay the bill on the table, and that one hundred and thirty-three copies be printed.

A division of the question was called for; which was first taken on laying on the table, and carried.

The question was then taken on ordering one hundred and thirty-three copies to be printed, and carried—Yeas 50, Nays 38.

**YEAS**—messrs. Barron, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Douglass, Dunn, Earle, English, Gamble, Gasque, Gresham, Harrison, Henderson, Henley, Hodges, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Martin, McCoy, McLemore, Mitchell, Moore of M. Moore of P. Morrisett, Morrison, Norman, Norris, Oliver, Pickett, Porter, Rice, Robinson, Smith of P. Storrs, Tate, Turner, Ware, Watts, Williams of J. Wither- spoon and Woodward.

**NAYS**—messrs. Abernathy, Banks, Barclay, Bishop, Bridges, Dortch, Dubose, Dunklin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Hill, Hubbard, Kennedy of M. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Miree, Morgan of C. Morris, Mundy, Murphey, Pettit, Pynes, Richeson, Roby, Scott, Skipper, Smith of L. Valliant, Walker, Whorton, Winston of DeK. and Winston of S.

Mr. Jones of G. from the committee on accounts, to whom was referred the following claims, to wit: Edmund B. Vaughan, Jesse Carter, William W. Smith, administrator of Francis W. Smith, deceased, Bull & Files, James M. Murray, Jesse Joy and Daniel Long—all for compensation for slaves condemned to death, and executed according to law, reported a bill for the relief of certain persons therein named; which was read the first time, and ordered to a second reading.

Mr. Barclay, from the committee on county boundaries, to which was referred the petition of sundry citizens of Pickens county, reported a bill to attach a part of the county of Pickens to Greene county; which was read the first time, and ordered to a second reading.

The House then proceeded to the consideration of the bill to regulate the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery.

The question pending on Mr. Martin's motion to postpone the bill until Saturday next, at twelve o'clock, and make it the special order.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 12, 1843.

The House met, and proceeded to the consideration of the bill for the regulation of the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery.

The question pending on the motion of Mr. Martin to postpone the consideration of the bill until Saturday next, at twelve o'clock, and make it the special order for that time—

A message was received from the Governor, by Mr. Garrett, Secretary of State:

Mr. Speaker—His Excellency the Governor has approved bills which originated in the House of Representatives, of the following titles, to wit:

An act to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama:

An act to receive, print, bind and distribute the new Digest compiled by C. C. Clay, Esq., and for other purposes.

An act to compensate A. Crozier and son for purchasing weights and measures for the State, under a contract with the Secretary of State.

An act to extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox.

An act to change the name of Crockettville, in Russell county, to that of Crawford.

An act to alter and define the southern boundary line of East Wetumpka.

An act to prohibit the raising of money by lottery.

An act to change the time of holding the county courts of Walker county.

An act to incorporate the Huntsville Mechanics' Benevolent Association.

An act to authorize Patrick May and John A. Fortune, to erect gates on a certain public road therein named.

An act for the relief of Jedediah Spencer, administrator of William Spencer, deceased.

An act to authorize the amendments of writs of error.

An act to authorize circuit and county court clerks of Wilcox county, and the register in chancery to make out and keep reversed indexes of all causes decided in their respective courts.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

FRIDAY, January 13, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the accounts of Warren Allen and A. Lynch; which were referred to the committee on accounts.

Mr. Williams of J. moved to suspend the rule, for a call of counties; which was carried.

Mr. Williams of J. moved to take up the resolutions offered by him, proposing to hold night sessions; which was carried.

Mr. Rice moved their indefinite postponement; which was lost—yeas 37, nays 45.

YEAS—messrs. Banks, Cochran, Cunningham, Dortch, Douglass, Earle, Fowler, Garland, Harris, Harrison, Henderson, Hodges, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, Meriwether, Miree, Mitchell, Morgan of A. Murphey, Norman, Pettit, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Tate, Turner, Walker, Williams of P. Winston of S. and Woodward.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Cooper, Dear, Dabose, Dunklin, English, Erwin, Findley, Fletcher, Gamble, Griffin, Hendrix, Henley, Hull, Kendrick, Kennedy of M. Lankford, Marchbanks, McLemore, McMillion, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Mundy, Norris, Oliver, Pickett, Pynes, Scott, Smith of T. Valliant, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon.

Mr. English moved to amend by striking out "ninth," and inserting "sixteenth," in lieu thereof.

Mr. Robinson called for a division of the question; which was first taken on striking out; and carried.

Mr. Robinson then moved to fill the blank with "twenty-fifth;" which was lost—yeas 40, nays 47.

YEAS—messrs. Speaker, Banks, Campbell, Cochran, Cunningham, Dortch, Douglass, Dunn, Earle, Garland, Harris, Harrison, Hodges, Hubbard, Jackson, Jones of G. Kennedy of L. Kidd, McClung, McMillion, Meriwether, Mitchell, Morgan of A. Morgan of C. Murphey, Norman, Pettit, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of P. Tate, Turner, Walker, Williams of P. Winston of S. and Woodward.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Cooper, Dear, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gresham, Griffin, Henderson, Henley, Hill, Jones of Conecuh, Kendrick, Kennedy of M. Lankford, Marchbanks, McLemore, Miree, Moore of M. Moore of P. Morris, Morrisett, Mundy, Norris, Oliver, Pickett, Pynes, Scott, Smith of L. Valliant, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon.

Mr. Kidd moved to fill the blank with "twenty-second;" which was carried—yeas 52, nays 39.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bridges, Cochran, Cooper, Crowder, Cunningham, Dortch, Douglass, Dunklin, Dunn, Earle, Fowler, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell, Morgan of A. Morgan of C. Morris, Murphey, Norman, Pettit, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of T. Tate, Turner, Valliant, Walker, Williams of P. Winston of S. and Woodward.

NAYS—messrs. Barron, Bishop, Caffey, Cain, Calhoun, Campbell, Dear, Dubose, English, Erwin, Findley, Fletcher, Gamble, Garland, Gasque, Gresham, Griffin, Henderson, Henley, Hill, Kennedy of M. Lankford, Marchbanks, McLemore, Moore of M. Moore of P. Morrisett, Mundy, Norris, Oliver, Pickett, Pynes, Smith of L. Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon.

Mr. English moved to amend the resolution by adding, "and at such night sessions local measures shall have preference over business of a general nature."

Mr. Erwin of G. (Mr. Rice in the chair.) moved to lay the resolution and amendment on the table; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill authorizing Thomas M. Cowles to take out letters of administration in the county of Montgomery.

Mr. Erwin of G. then offered the amendments to the rules of the House, which he notified the House yesterday, he would offer.

Mr. Dortch moved their indefinite postponement.

Mr. Hubbard moved to lay the amendments of the rules on the table ; which was carried—Yeas 46, Nays 44.

YEAS—messrs. Barclay, Barron, Caffey, Cain, Cochran, Cooper, Crowder, Dear, Dortch, Dunn, Earle, English, Erwin, Fletcher, Fowler, Gamble, Gresham, Henley, Hubbard, Jackson, Kendrick, Kennedy of M. Kidd, Lankford, Martin, McCoy, Mitchell, Morgan of C. Morris, Norman, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Skipper, Smith of L. Smith of T. Valiant, Walker, Ware, Watts, Whorton, Winston of DeK. and Winston of S.

NAYS—messrs. Speaker, Abernathy, Banks, Bishop, Bridges, Calhoun, Campbell, Clay, Cunningham, Douglass, Dubose, Dunklin, Findley, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Hodges, Jones of Conecuh, Jones of Cov. Jones of G. Marchbanks, McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Mundy, Murphey, Porter. Rice, Scott, Smith of P. Tate, Turner, Williams of J. Williams of P. Witherspoon and Woodward.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Covington county, reported a bill to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes ; which was read the first time, and ordered to a second reading.

Mr. Cochran, from the committee on education, to which was referred a joint resolution, requesting Congress to relinquish to this State the three per cent. fund, for purposes of common school education, reported, that in our present situation, there are other purposes to which the fund could more properly be devoted.

Mr. Douglass moved to lay the report and resolution on the table ; which was carried.

Mr. Cochran, from the same committee, to which was referred the petition of J. Baugh and others, reported that the petition only discloses the fact, that the Bank refused to pay, but did not make known the fact, that a school had been taught, or that the money should have been paid ; and that the prayer should not be granted.

The report was concurred in.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred the papers relative to the school kept in township six, range four, in the year eighteen hundred and forty-one, reported the same back to the House, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Moore of M. from the same committee, to whom was referred the petition of sundry citizens of Walker county, together with the petition of the commissioners appointed to build a court house in said county, reported that it would be inexpedient to interfere with contracts made in good faith by said commissioners.

The report was concurred in.

Mr. Moore of M. from the same committee, to whom was referred the petition of sundry citizens of Pike county, praying the Legislature to pass a law for the relief of William E. Davis, by a release of his debts,



in consideration of public services, reported that the Legislature cannot grant a release of contracts.

The report was concurred in.

Mr. Moore of M. from the same committee, to which was referred the account of Jacob Hoss, reported that it is not a State charge, and ought not to be allowed.

The report was concurred in.

Mr. Cooper, from the committee on divorce and alimony, to which was referred the record and decree in the case of Maria Boothe vs. George W. Boothe, reported a bill to divorce Maria Boothe from her husband, George W. Boothe; which was read the first time, and Mr. Smith of L. moved to suspend the rules, with a view of giving this bill a second reading forthwith; which was carried.

The bill was then read the second time. and Mr. Smith of L. moved a further suspension of the rule, to give this bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Jones of G. from the committee on accounts, to whom was referred the following accounts, to wit: of Henry Brewer, Lofton Cotton, William Wills, two accounts of F. H. Standifer, G. Weir, J. Patterson, H. W. Reed, J. Savage, two accounts of J. B. Standifer, J. W. Payne, J. G. Garrett, J. L. Colson, J. D. Caldwell, R. W. Barber, J. Hensley, N. Lockett, M. H. Hughes, D. Henlee, W. F. Means, T. H. Blackmore, T. J. Standifer, L. S. Standifer, Allen Johnson, James H. Patterson, J. Lacy & Co. Thomas Warren, E. G. Thornton, J. L. Kennedy, L. Stallings and James L. Rea—reported that the said several accounts ought not to be allowed.

Mr. Jones of G. moved to lay the report on the table; which was carried.

Mr. McClung, from the judiciary committee, to which was referred the petition of certain citizens of Jackson county, reported a bill to repeal in part an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott, of Jackson county, passed January, eighteen hundred and twenty-eight; which was read the first time, and ordered to a second reading.

Mr. Bridges, from the committee on ways and means, to whom was referred a bill for the better regulation of taxing lands in this State, and for other purposes, reported the bill back to the House, and recommended its passage.

Mr. Bridges moved to amend the bill by way of proviso, by adding at the end of section second: "*Provided*, that the maps required to be furnished by this act, shall not cost more than twenty cents per township;" which was carried.

Mr. Bridges moved to amend by striking out all after the word "taxed," in the third section; which was carried.

Mr. Bridges moved to strike out the last proviso in the bill; which was lost.

Mr. Barclay moved to amend, by adding: "and the said maps shall be accompanied by the field notes of the surveys embraced by said maps."

Mr. Gresham moved to lay the amendment of Mr. Barclay on the table.

Mr. Hubbard moved to lay the bill and amendments on the table.

Mr. Gresham called for a division of the question; which was first taken on laying the amendment on the table, and carried.

The question was then taken on laying the bill on the table, and lost.

Mr. Henley moved to amend, by inserting after the word "revenue," in the third section, "and any other person;" which was carried.

Mr. Henley moved to reconsider the vote just taken; which was carried.

Mr. Henley moved to amend as follows, to come in at the end of the third section, to wit: "and every other person shall be permitted to examine the said maps free of charge;" which was adopted.

The question was then taken on ordering the bill to be engrossed, and carried—Yeas 79, Nays 12.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Cav. Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Martin, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of P. Morgan of A. Morgan of C. Morrisett, Mundy, Murphey, Norris, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Storrs, Tate, Turner, Valliant, Ware, Watts, Williams of J. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Douglass, Hill, Hubbard, Marchbanks, McClung, Moore of M. Morris, Norman, Oliver, Walker, Whorton and Williams of P.

The House then proceeded to the consideration of the bill for the regulation of the Bank of the State of Alabama, and the Branches at Huntsville and Montgomery—the question still pending on the motion of Mr. Martin, to postpone the consideration of the bill until Saturday next, and make it the special order for twelve o'clock of that day.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 13, 1843.

The House met pursuant to adjournment and proceeded to the consideration of the bill for the regulation of the Bank of the State of Alabama and its Branches at Huntsville and Montgomery—the question still pending on the motion of Mr. Martin to postpone the consideration of the bill until Saturday next, and make it the special order for twelve o'clock of that day.

A message was received from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles, to wit:

An act for the relief of Abel Pool:

Joint resolutions concerning the sixteenth section of township seven-teen, range six, east:

Which bills originated in the House of Representatives.

A message was received from the Senate, by Mr. Clitherall:

Mr Speaker—The Senate has passed unanimously the following bills, which originated in the House of Representatives, entitled,

An act for the regulation of the Branch of the Bank of the State of Alabama at Mobile:

And an act for the regulation of the Branch of the Bank of the State of Alabama at Decatur:

And has amended each of them as therein shewn; in which amendments the concurrence of your honorable body is respectfully asked.

And then the House adjourned until to-morrow morning. at half past nine o'clock.

SATURDAY, January 14, 1843.

The House met pursuant to adjournment.

Mr. Winston of S. moved to suspend the call of the counties, and take up the message from the Senate; which was carried.

The bill from the Senate for the relief of John Baird, was read the first time and ordered to a second reading.

The bill from the Senate to make service on one executor or administrator service on all, was read the first time, and Mr. Porter moved to suspend the constitutional rule, with a view of having this bill read a second time forthwith, which was carried.

Whereupon the bill received its second reading and was referred to the Judiciary committee.

The bill from the Senate to regulate the admission of Attorneys at Law to practice in this State:

The bill from the Senate to appoint Benjamin D. Cook, of Cherokee county, guardian of certain free persons of color therein named:

The bill from the Senate to authorize administrators with the will annexed, to sell and convey real estate in the same manner as executors are authorized to sell and convey:

The bill from the Senate to amend an act entitled an act to incorporate the Cahawba Academy, in Dallas county, passed January tenth, eighteen hundred and thirty one:

The bill from the Senate to rescind a contract therein named:

The bill from the Senate concerning promissory notes and other securities for the payment of money:

The bill from the Senate to amend the laws in regard to limitation of actions:

The bill from the Senate for the relief of Hiram A. Defrease of the county of Talladega:

Were severally read the first time and ordered to a second reading.

The bill from the Senate to add a certain township therein named to the county of Perry, was read a first time and Mr. Erwin of G. (Mr. Walker in the Chair,) moved to lay the bill on the table.

Mr. Winston of DeK. moved to postpone the consideration of the bill till next Saturday night week, twenty-eighth instant; which was carried.

The bill from the Senate, to secure a homestead to every family in this State; was read the first time.

Mr. Moore of M. moved to suspend the rule, with the view of giving this bill a second reading forthwith.

Mr. Winston of S. moved to lay the bill on the table; which was lost. Yeas 27, nays 55.

YEAS—messrs. Banks, Cain, Cunningham, Dortch, Dunklin, Dunn, Earle, Erwin, Fowler, Garland, Hill, Jackson, McCoy, McMillion, Mitchell, Rice, Richeson, Roby, Smith of L. Smith of P. Smith of T. Turner, Walker, Watts, Whorton, Williams of P. and Winston of S.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dubose, English, Findley, Fletcher, Gamble, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Jones of C. Kendrick, Kennedy of L. Kennedy of M. Marchbanks, Martin, McClung, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Robinson, Scott, Tate, Ware, Williams of J. Winston of DeK. and Woodward.

The question was then taken on the motion of Mr. Moore of M. to give the bill a second reading forthwith; and was lost.

The bill was then ordered to a second reading.

The bill from the Senate, making it the duty of the Governor to appoint a suitable person to take care of the State Capitol:

The bill from the Senate, to amend the charter of the city of Tuscaloosa:

Were severally read the first time, and ordered to a second reading.

The bill from the Senate, to regulate the mode of taking bonds by the judges of the county courts, in certain cases; was then read the first time.

And, Mr. Morrisett moved to suspend the rule, with the view of giving this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

The bill from the Senate, to regulate proceedings in justices' courts, in the county of Tuscaloosa; was read the first time.

And Mr. Smith of T. moved to suspend the rule, to give this bill a second reading forthwith; which was lost.

Mr. Douglass moved to lay the bill on the table; which was lost.

The bill was then ordered to a second reading.

The bill from the Senate, to repeal the several acts making appropriations in aid of valueless sixteenth sections; was read the first time.

Mr. Barclay moved to suspend the rule, and give the bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

The bill from the Senate, to regulate the number and fix the pay of the Directors and other officers of the Bank of the State of Alabama, and its several Branches; was read the first time.

And, Mr. Moore of M. moved to suspend the rule, in order to give this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

The bill from the Senate, to require an extra term of the chancery court to be held for Sumter county; was then read the first time, and ordered to a second reading.

The bill from the Senate, concerning trustees, was read the first time.

And Mr. Erwin moved to suspend the rule, in order to give this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House, to extend for a limited time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven, and amended the same as therein shewn:

Also, joint resolutions, requiring the Secretary of State to furnish stationery for the Supreme Court Judges:

Also, a bill to compensate Daniel M. Forney:

A bill to provide for the payment of interest on the purchase money of school lands in Talladega county:

A bill for the relief of Walker Chiles:

And a bill to pay Goodridge Driver.

Mr. Campbell moved to take up the message from the Senate, containing—

The bill to regulate the Branch of the Bank of the State of Alabama, at Mobile:

And, the bill to regulate the Branch Bank at Decatur.

Which was carried.

The House then proceeded to the consideration of the bill from the Senate, to regulate the Branch of the Bank of the State of Alabama, at Mobile.

The question was, on concurring in the amendments of the Senate.

Mr. Campbell moved to disagree to the first amendment of the Senate, striking out "three," and inserting "two;" which was carried.—Yeas 54, nays 35.

YEAS—messrs. Speaker, Abernathy, Banks, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Douglass, Dubose, Dunklin, Dunn, Earle, English, Findley, Gasque, Harrison, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Martin, McCoy, McClung, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Oliver, Pickett, Porter, Pynes, Rice, Roby, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Ware, Watts, Williams of J. Williams of P. and Woodward.

NAYS—messrs. Barclay, Bishop, Calhoun, Crowder, Cunningham, Dear, Dortch, Erwin, Fletcher, Fowler, Garland, Gresham, Griffin, Harris, Hendrix Henley, Jones of Conecuh, Kennedy of M. Kidd, Lankford, Marchbanks, McLemore, Morgan of C. Morrisett, Mundy, Murphey, Norman, Norris, Richeson, Robinson, Scott, Smith of L. Walker, Whorton and Winston of S.

Mr. Erwin of G. (Mr. Walker in the chair,) moved to concur in the second amendment of the Senate, striking out "seven," and inserting "five," in lieu thereof; which was lost—yeas 10, nays 80.

YEAS—messrs. Speaker, Bridges, Calhoun, Campbell, Hubbard, Jones of G. Morris, Murphey, Smith of P. and Woodward.

NAYS—messrs. Abernathy, Banks, Barclay, Bishop, Caffey, Cain, Clay, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of C. Morrisett, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Winston of S.

Mr. Erwin notified the House that he would move to reconsider the vote taken this morning, postponing the bill from the Senate, to add a certain township therein named, to the county of Perry.

Mr. Winston of S. moved to concur in the amendment made by the Senate to the sixteenth section of the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

A message was received from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT,  
TUSCALOOSA, January 14th, 1843. }

Sir—I have the honor to inform the House of Representatives that a vacancy has occurred in the office of Judge of the city court of Wetumpka.

(Signed,)

BEN. FITZPATRICK.

Honorable JOHN ERWIN,

*Speaker of the House of Representatives.*

And then the House adjourned until three o'clock, P. M.

AFTERNOON SESSION, January 14th, 1843.

The House met pursuant to adjournment. and proceeded to the consideration of the amendments made by the Senate to the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The question still pending on the motion of Mr. Winston of S. to concur in the amendment made by the Senate to the sixteenth section.

And then the House adjourned until Monday morning, at half past nine o'clock.

MONDAY, January 16th, 1843.

The House met pursuant to adjournment.

Mr. Williams of P. moved that the rule requiring a call of the counties be suspended; which was carried.

Mr. Williams of P. then offered the following resolutions:

*Resolved*, That this House doth deeply regret the loss, by death, of the late Reuben Gardner, one of its members and as a testimony of respect to his memory, its members will wear the usual badge of mourning for thirty days.

*Resolved*, That the Speaker of this House be requested to send a copy of the foregoing resolution to his bereaved widow, that she may be consoled, (so far as consolation can be given,) by knowing the estimation in which he has been held as a member of this body.

*Resolved further*, That this House will testify its respect for the deceased, by adjourning until to-morrow morning, at half past nine o'clock.

Which were unanimously adopted.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

THURSDAY, January 17, 1843.

The House met pursuant to adjournment.

Ordered, that leave of absence be granted to Mr. Barron for a few days.

Mr. Speaker laid before the House the record of divorce in the case of Melvina Hundley vs. John Hundley; which was referred to the committee on divorce and alimony:

Mr. Whorton presented the petition of William Bradford and others; which was referred to the committee on privileges and elections:

Mr. Morgan of C. introduced a bill to incorporate the Dudleyville Academy in Tallapoosa county:

Mr. Jones of Conecuh introduced a bill to authorize the Judge and commissioners in the county of Conecuh, to purchase for the use of the county, a certain lot of land therein named:

Mr. Skipper introduced a bill for the relief of the tax collectors of Dale county, for the year one thousand eight hundred and forty-one; which were severally read the first time and ordered to a second reading.

Mr. Skipper introduced joint resolutions in relation to furnishing the county of Coffee with weights and measures; which were read the first time and ordered to a second reading.

Mr. Winston of DeK. introduced a bill regulating the appointment of commissioners, in certain cases, in the county of De Kalb; which was read the first time and ordered to a second reading.

Mr. Winston of DeK. introduced joint resolutions proposing an amendment to the constitution on the establishment of Banks; which was read the first time.

Mr. Winston of DeK. moved to suspend the rule in order to give the joint resolutions a second reading forthwith.

Mr. Pickett moved to lay the joint resolutions on the table; which was lost. Yeas 19—nays 65.

YEAS—messrs. Banks, Cooper, Crowder, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. McClung, Moore of M. Morrisett, Mun-

dy, Norman, Norris, Oliver, Pickett, Smith of T. Ware, and Wither-spoon.

**NAYS**—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Cain, Calhoun, Campbell, Cochran, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harrison, Hendrix, Hill, Hodges, Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, Mc-Lemore, McMillion, Miree, Mitchell, Moore of P. Morgan of A. Morgan of C. Morris, Morrison, Murphey, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Tate, Turner, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

The constitutional rule was then suspended and the joint resolutions were read a second time forthwith.

Mr. Campbell moved further to suspend the rules, in order to give the joint resolutions their third reading.

Mr. Ware moved to amend by adding, "and that the charters of the State Bank and Branches are hereby withdrawn and annulled to all intents and purposes, as if the same had never been granted."

Mr. Calhoun moved to lay the amendment on the table.

Mr. Watts moved to postpone the further consideration of the joint resolutions until the first day of February next; which was lost.

Mr. Gresham moved to postpone until Monday next; which was carried.

Mr. Jones of G. presented the petition of John Hunter and others, and the petition of David Brasfield and others; which were referred to the committee on the judiciary.

Mr. Scott introduced a bill to define the condition of the bonds of certain officers, and the liability of their securities; which was read the first time and ordered to a second reading.

Mr. Walker presented the account of C. C. Gewin, which was referred to the committee on accounts.

Mr. Dunklin presented the account of William Atkerson; which was referred to the committee on accounts.

Mr. Oliver introduced a bill to regulate the collection of taxes in Macon county:

Mr. Griffin introduced a bill to provide a special tax for Marshall county:

Which were severally read the first time and ordered to a second reading.

Mr. Rice presented the account of William E. Murphy; which was referred to the committee on accounts.

Mr. Smith of P. presented the account of James Nesly; which was referred to the committee on accounts.

Mr. Bishop introduced a bill to prohibit the owners of slaves from receiving any compensation for any slave executed according to law; which was read the first time, and the House refused to order the bill to a second reading.

Mr. Banks presented the petition of Monroe Donoho and other citi-



zens of Tuscaloosa county; which was referred to the committee on the military.

Mr. Gresham introduced a bill to extend the time for selling the lots in the town of Dadeville, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Cain presented the account of Levi Robbins; which was referred to the committee on accounts.

Mr. Porter, from the judiciary committee, to which was referred a bill from the Senate, for the relief of George H. Garrett, and to extend the pardoning power, made the following report:

A majority of the judiciary committee, to which was referred a bill, to be entitled an act, for the relief of George H. Garrett, and to extend the pardoning power, with sundry petitions and documents relating to that subject, have instructed me to report—

That they have considered the subject matter of that bill, with all the attention due to one involving the exercise of the pardoning power. This power, usually apportioned in the distribution of the faculties of government, to the executive branch, and admitted to rest, rather upon the exercise of its mercy, than its justice, has often become too powerful for the law, and found to interfere with its faithful administration. In view of these evils, and the vast increase of crime, the legislature has thought proper to restrict the executive will, and to take into its own control, the unconditional privilege of extending the mercy of the State to condemned persons.

The most dangerous time for a convict to approach a tribunal to ask for mercy, is that moment, when filled with indignation at the exuberant growth of crime, justice is preparing new enactments against vice, and raising its arm for new and terrible judgments upon the vicious. At such a moment resentment takes the place of reform, vengeance, supplants mercy, and the sword whetted for the guilty, falls upon the innocent head. In all applications, then, of this character, it is proper, that in considering the particular case, we also consult the spirit of the times, and the rigors of the law. We may thus be enabled to keep guard over a dangerous period in the history of jurisprudence; and while, on the one hand, we protect with unyielding firmness, the community from crime; we, on the other, may relax the severe penalties, which from peculiar circumstances, may pass too heavily upon the unfortunate condemned.

In the case of Garrett, we believe we see a proper instance for the exercise of this rule. Convicted of slave stealing, and condemned to death, his punishment was commuted to imprisonment in the Penitentiary for the period of twenty years. If his pardon rested upon the mere judgment of the committee, of his unfortunate situation, they yet, in view of what is due to the law, would be compelled to close their eyes upon the application, connected as it is with the most humane and merciful appeals. But the evidence submitted to the committee, establish, beyond a doubt, his claims to the clemency of the Legislature. It is proved that his health is suffering in the severest degree; that a dreadful disease has seized upon his frame; and that even now, if the prison doors

are cast open to him, there is but a faint hope that he will not soon become a tenant of the prison house of the grave. This circumstance alone, it seems to your committee, would justify the pardon asked. It cannot certainly be the policy of the State, in a case at least not of unquestionable guilt, to keep its shackles upon a prisoner until the power of death dissolves them. This we believe, from the evidence before your committee, will be certainly the result of a longer confinement of the prisoner referred to in this report.

Independent of this circumstance, there is another to which your committee will allude, without intending to cast the slightest censure upon the jury, or others connected with the trial. The jury were the peers of the accused, sworn to try the facts; and it would be wrong for us, at this remote period from the trial, to intimate a doubt that they did not maturely consider their verdict. But your committee are advised, that the conviction in this case, was on purely circumstantial evidence. Those who are conversant with criminal trials well know the uncertain character of the best circumstantial testimony. The plainest and well connected train of presumptions, from which it seemed impossible to draw improper conclusions, have been found often to vanish before facts, disclosed by time. It is a species of testimony ever to be distrusted, because ever liable to be disproved. And as it was upon this testimony that the accused, in this instance, was convicted, we think it a powerful reason, when connected with his condition, to influence a legislative pardon.

If your committee were permitted to combine with these disclosures to the intelligence of the House, an appeal to the best feelings of the heart, they might say that a young and bereaved wife, in the stainless purity of her pious affections, and an aged mother in her solemn affliction, are joining their tears and supplications in appeals for mercy. But satisfied that justice can receive no wrong from a dispensation, justified by the peculiar facts of the case, we are disposed to place the merits of the application alone on the facts; and recommend the passage of the bill.

BENJAMIN F. PORTER, *Chairman.*

Mr. McClung moved the indefinite postponement of the bill; which was lost.

Yeas 39—nays 52.

YEAS—messrs. Speaker, Abernathy, Banks, Calhoun, Campbell, Douglass, English, Fowler, Harris, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Lankford, Marchbanks, McClung, Moore of M. Morris, Morrisett, Mundy, Norris, Pickett, Pynes, Richeson, Robinson, Scott, Smith of L. Smith of P. Smith of T. Tate, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of S. and Woodward.

NAYS—messrs. Barclay, Bishop, Bridges, Cain, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Gamble, Gresham, Griffin, Henderson, Henley, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, McLemore, McMillion, Meriwether, Miree,

Mitchell, Moore of P. Morgan of A. Morgan of C. Morrison, Murphey, Norman, Oliver, Porter, Rice, Roby, Skipper, Storrs, Turner, Valliant, Walker, Ware, Winston of DeK. and Witherspoon.

Mr. Campbell moved to strike out the second section; which was carried.

Mr. Campbell, moved to amend the bill as follows, by way of proviso:

"That no pardon shall be granted to the said George H. Garrett, without containing a condition, that if the said Garrett shall not depart from the State within forty days from the date thereof, and forever absent himself therefrom, that the said pardon and all the privileges conveyed thereby, shall be wholly null and void."

Mr. Henley moved to lay the amendment on the table; which was carried.

Mr. Winston of S. moved that the bill receive its third reading, forthwith.

Mr. Henley moved to amend the bill by striking out the word, "committed," when it occurs in the fifth line, and inserting the word "convicted," in lieu thereof; which was carried.

The question was then taken on the motion of Mr. Winston of S. to give the bill a third reading forthwith, and carried.

The bill was then read the third time and passed.—Yeas 52—nays 38.

YEAS—messrs. Barclay, Bishop, Bridges, Cain, Clay, Cooper, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Gamble, Gresham, Griffin, Henderson, Henley, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of P. Morgan of A. Morgan of C. Morrison, Murphey, Norman, Oliver, Porter, Rice, Roby, Skipper, Storrs, Turner, Walker, Ware, Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Banks, Calhoun, Campbell, Cochran, Douglass, English, Fowler, Garland, Harris, Harrison, Hendrix, Hill, Hodges, Jones of Cov. Lankford, Marchbanks, McClung, Moore of M. Morris, Morrisett, Mundy, Norris, Pickett, Pynes, Richeson, Scott, Smith of P. Smith of T. Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of S. and Woodward.

Mr. McClung moved to amend the title of the bill by striking out the words, "and to extend the pardoning power;" which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker; the Senate has passed bills of the following titles:

A bill for the relief of certain sixteenth sections in Marengo county:

A bill to pay certain contracts for teaching common schools:

A bill to repeal an act incorporating the town of Talladega:

Also, joint resolutions authorizing the purchase of chairs for the Supreme Court room.

And then the House adjourned until three o'clock, P. M.

## AFTERNOON SESSION, January 17, 1843.

The House met pursuant to adjournment.

Mr. Campbell moved to take up the bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile; which was carried.

The House then proceeded to the consideration of the amendment made by the Senate to the bill.

The question was taken on the motion of Mr. Winston of S. to concur in the amendment made by the Senate to the sixteenth section, and decided in the affirmative—Yeas 63, Nays 24.

YEAS—messrs. Abernathy, Banks, Bridges, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Fletcher, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Harrison, Henderson, Henley, Hodges, Hubbard, Jackson, Jones of G. Kendrick, Kennedy of M. Marchbanks, Martin, McCoy, McLemore, McMillion, Mitchell, Morgan of C. Morris, Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Valliant, Walker, Ware, Watts, Whorton, Winston of S. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Speaker, Barclay, Bishop, Calhoun, Campbell, Clay, Findley, Hendrix, Hill, Kennedy of L. McClung, Meriwether, Mirce, Moore of M. Morgan of A. Morrison, Mundy, Scott, Smith of L. Smith of P. Tate, Williams of J. and Williams of P.

Mr. Campbell moved to concur in the fourth amendment made by the Senate, (it being an additional section); which was carried.

Mr. Campbell moved that the House do now take up the bill to regulate the Branch of the Bank of the State of Alabama at Decatur; which was carried.

The House then proceeded to the consideration of the amendments made by the Senate to the bill.

Mr. Campbell moved to disagree to the first amendment made by the Senate, striking out "seven," in the third line of the fourth section, and inserting "five;" which was carried.

Mr. Campbell moved to disagree to the second amendment made by the Senate, striking out "three," in the sixth line of the fourth section, and inserting "two;" which was carried.

Mr. Campbell moved to concur in the amendment made by the Senate to the sixteenth section; which was carried—Yeas 68, Nays 20.

YEAS—messrs. Abernathy, Banks, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Fletcher, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Harrison, Henderson, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McCoy, McMillion, Mitchell, Morgan of A. Morgan of C. Morris, Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward.

**NAYS**—messrs. Speaker, Barclay, Bishop, Clay, Findley, Hill, Kennedy of L. McClung, Meriwether, Miree, Moore of M. Moore of P. Morrison, Mundy, Scott, Smith of L. Smith of P. Tate, Williams of J. and Williams of P.

The House then proceeded to the consideration of the special order, it being the bill for the regulation of the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery.

Mr. Campbell moved to amend the bill, by striking out the sixth section, and inserting the following, to wit:

Sec. —. That the charter of the Branch of the Bank of the State of Alabama at Huntsville, shall be limited in its operation to the first day of January, A. D. eighteen hundred and forty five; and from and after that day, the Bank of the State of Alabama, and the Branch Banks at Huntsville and Montgomery, shall be continued in operation for the sole purpose of providing for the security and collection of their debts, and the complete settlement and liquidation of their affairs; and their corporate powers, after that day, are hereby withdrawn, except such as are necessary for the purposes aforesaid.

Sec. —. That the debtors of the said Bank and Branch Banks, shall have the right to pay all the debts they may now owe, or which may hereafter become due to the same, in the bills of the Bank and Branch Banks, respectively; and no process or proceeding of any person, shall be operative to defeat this right of the debtor.

Sec. —. That the real estate of the said Bank and Branches shall be, and is hereby vested in the respective Presidents and Directors of the same, and their successors, for the payment of the debts due from said Banks, respectively.

Mr. Martin moved to lay the bill and amendment on the table; which was carried. Yeas 47—nays 45.

**YEAS**—messrs. Abernathy, Banks, Cain, Cochran, Crowder, Cunningham, Dear, Dortch, Dunn, Earle, Erwin, Findley, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, Lankford, Martin, McCoy, McMillion, Morgan of C. Morris, Norman, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Scott, Skipper, Valliant, Walker, Ware, Watts, Whorton and Winston of S.

**NAYS**—messrs. Speaker, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Cooper, Douglass, Dubose, Dunklin, English, Fletcher, Harrison, Henderson, Hendrix, Hill, Hodges, Jones of Cov. Kendrick, Marchbanks, McClung, McLemore, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morrisett, Morrison, Mundy, Norris, Porter, Robinson, Smith of L. Smith of P. Storrs, Tate, Turner, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

Mr. Cochran moved that the House do now take up the bill to regulate the Branch of the Bank of the State of Alabama at Montgomery; which was carried.

Mr. Cochran moved to amend the sixteenth section of the bill as follows, to wit: Strike out all after the word "issues," in the fifth line, and

insert "they shall in like manner redeem the notes of the Branch Bank at Montgomery;" which was adopted.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

WEDNESDAY, January 18, 1843.

The House met pursuant to adjournment.

Mr. Rice moved to suspend the rule in order to introduce a resolution; which was lost.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of Evans, Woodruff & Co., J. P. Harraway and R. Kelly; which was referred to the committee on accounts.

Mr. Whorton presented the petition of George Goffe and others; which was referred to the committee on roads, bridges and ferries.

Mr. Hendrix introduced a bill to change the time of convening the General Assembly; which was read the first time and ordered to a second reading.

Mr. Lankford presented the petition of John Hampton and others; which was referred to the committee on propositions and grievances.

Ordered, that Mr. Richeson have leave to withdraw the account of William Horton.

Mr. Hubbard presented the petition of Samuel D. Weyson and others; which was referred to a select committee, composed of the delegation from Lawrence county.

Mr. Harrison presented the petition of B. A. Kelly and others; which was referred to the committee on privileges and elections.

Mr. Henley presented the account of William M. Brooks; which was referred to the committee on accounts.

Mr. Smith of P. introduced joint resolutions, authorizing Nathan Smith to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives from the county of Pickens; which was read the first time, rule suspended, read the second time forthwith,—rule further suspended—read the the third time and passed.

Mr. Porter introduced a bill to regulate the assessment of damages on writs of error and appeals; which was read the first time, and ordered to a second reading.

Mr. Bridges offered the following resolution—which was adopted:

*Resolved*, That all accounts which have been rejected by the committee on accounts, or by the House,—may be withdrawn by the members presenting them.

Mr. Winston of S. from the committee on retrenchment, to whom was referred a resolution, inquiring into the propriety of reducing the fees and salaries of officers, both Bank and State; and also, a bill to regulate and define the fees of the Judges of the county courts, and for other purposes.—reported

A bill to fix, regulate, and reduce the fees and salaries of certain officers therein named; which was read the first time.

And Mr. Calhoun moved to suspend the rule, in order to give this bill a second reading forthwith; which was carried.

The bill was then read the second time.

Mr. Dear moved to lay the bill on the table; which was carried.

Mr. Winston of S. from the committee on retrenchment, also reported—

A bill to fix the compensation of the members of the General Assembly, and the officers of the two Houses; which was read the first time.

And Mr. Moore of M. moved to suspend the rule, in order to give this bill a second reading forthwith.

Mr. Martin moved to postpone indefinitely; which was lost.—Yeas 20, nays 75.

YEAS—Messrs. Cooper, Dotch, Douglass, Gasque, Gresham, Harris, Harrison, Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, Moore of P. Morrison, Pettit, Pynes, Skipper, Turner, and Woodward.

NAYS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Henderson, Hendrix, Hill, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Lankford, Marchbanks, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Mundy, Murphey, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Witherspoon.

The question was then taken on the motion of Mr. Moore of M. to suspend the rule, to give this bill its second reading forthwith; which was carried.

The bill then received its second reading.

Mr. Winston of S. moved to amend the bill by way of proviso.

“*Provided*, that the provisions of this act shall be in force, from and after the first of March next.”

Mr. Moore of M. moved to lay the amendment on the table; which was lost.

Yeas 47—nays 50.

YEAS—Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Calhoun, Campbell, Cochran, Cunningham, Dubose, Dunklin, Dunn, Findley, Fletcher, Griffin, Hill, Hubbard, Jackson, Jones of C. Kendrick, Lankford, Marchbanks, Martin, McCoy, Meriwether, Moore of M. Moore of P. Morrisett, Mundy, Murphey, Norman, Norris, Oliver, Pickett, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Ware, Whorton, Williams of J. Winston of DeK. and Witherspoon.

NAYS—Messrs. Caffey, Cain, Clay, Cooper, Crowder, Dear, Dortch, Douglass, Earle, English, Erwin, Fowler, Gamble, Garland, Gasque, Gresham, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McClung, McLemore, McMillion, Miree, Mitchell, Morgan of A. Morgan

of C. Morris, Morrison, Pettit, Porter, Pynes, Richeson, Skipper, Smith of P. Tate, Turner, Valliant, Walker, Watts, Williams of P. Winston of S. and Woodward.

The amendment was then adopted.

Mr. Campbell moved to amend the bill by striking out all that relates to clerks; which was lost.

Mr. Calhoun moved to amend by adding after the word "Assembly," in the first section, the following:

"For the first six weeks they may remain in session, and nothing thereafter."

Mr. Henley moved to lay the amendment on the table.

Mr. Campbell moved the previous question; which was carried.

The bill was then ordered to be engrossed for a third reading.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the bill from the House, to repeal in part, the act appropriating two hundred thousand dollars, annually, in and of valueless sixteenth sections, and amended the same as therein shewn.

Also, a bill for the relief of Nathaniel H. Marks.

A bill to amend an act for the better regulation and management of steamboats.

And a bill for the relief of B. M. Bradford and Jack Shackelford.

Mr. Jones of G. from the committee on accounts, to whom was referred several communications from the Comptroller of Public Accounts, reported:

A bill, making appropriations for the payment of certain claims against the State, which was read the first time, and

Mr. Gresham moved to suspend the rule, with a view of giving this bill a second reading forthwith; which was carried—and the bill received its second reading:

Mr. Campbell moved to lay the bill on the table; which was carried.

Mr. Cooper, from the select committee, to which was referred the joint resolutions to furnish a means by which settlers on the public lands may enter their homes in Alabama currency—reported it back to the House, with the following amendments:

Strike out in the first section, the words "at Huntsville, and Lebanon," also the words "in the Huntsville and Cposa land districts," and insert the following proviso at the conclusion of the first resolution:

*Provided*, that no settler shall be allowed to enter more than one quarter section of land with the bills of said Bank of the State of Alabama, or any of its Branches."

The amendments of the committee were concurred in.

Mr. Ware moved to amend, by striking out all after the enacting clause.

The hour of twelve having arrived, Mr. Cooper moved to suspend the special order of the day; which was lost.

The House then proceeded to the consideration of the amendment made by the Senate to the bill for the regulation of the Branch of Bank of the State of Alabama at Decatur.



The question was on the amendment made by the Senate, to fill the blank in the third section with "thirteen hundred."

Mr. Rice, moved to concur in the amendment; which was carried.

The House then proceeded to the consideration of the bill to regulate the Branch of the Bank of the State of Alabama at Montgomery.

Mr. Cochran moved to amend by an additional section, as follows:

*Be it further enacted*, That the President and Directors shall, during the year eighteen hundred and forty-three, proceed to sell to the highest bidder, for cash, all the personal property held by said Branch Bank, except the furniture belonging to the banking house, after having given thirty days notice of the time and place of any such sale, in one or more newspapers published in the city of Montgomery, and in one paper published nearest the place of sale: *Provided, however*, that no sale shall take place until the President and Directors shall have obtained the assent of the Governor thereto: *And provided further*, That at such sale neither the President or Directors shall become directly or indirectly, purchasers of any such property, except it be for the State of Alabama.

Which was adopted.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 18th, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill to regulate the Branch of the Bank of the State of Alabama, at Montgomery.

Mr. Calhoun moved to lay the bill on the table; which was lost—yeas 33, nays 59.

YEAS—messrs. Bishop, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Dunklin, Findley, Fletcher, Gasque, Harrison, Henderson, Hendrix, Hill, Jones of Cov. McClung, McMillion, Meriwether, Miree, Moore of M. Morrisett, Norris, Porter, Robinson, Smith of L. Smith of P. Storrs, Turner, Williams of J. Williams of P. Witherspoon and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dortch, Dunn, English, Erwin, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Scott, Skipper, Tate, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. and Winston of S.

Mr. Campbell moved to amend by an additional section as follows:

"That nothing in this act shall be construed to prevent the said Bank from paying the interest on the sixteenth section fund, deposited with the Bank, in the same manner as if this act had not been passed. That nothing in this act shall be construed to prevent the loan of the funds that may be paid during the year, on account of the sixteenth section fund, in pursuance of the laws heretofore made on this subject."

Which was adopted.

Mr. Campbell moved to strike out "twenty thousand," in the fourth section, and insert "forty thousand;" which was carried.

Mr. Henley moved that the bill be ordered to be engrossed, and made the special order for to-morrow, at twelve o'clock; which was carried—yeas 59, nays 32.

**YEAS**—messrs. Abernathy, Banks, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dunn, Erwin, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morris, Morrison, Murphey, Norman, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. and Winston of S.

**NAYS**—messrs. Speaker, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gasque, Harrison, Henderson, Hendrix, Hill, Kendrick, McClung, McMillion, Meriwether, Miree, Moore of M. Morrisett, Mundy, Norris, Porter, Smith of L. Smith of P. Storrs, Williams of J. Williams of P. Witherspoon and Woodward.

A message was received from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives of the concurrence of the Senate in the amendments made by this House, to the bill which originated in the Senate, entitled an act for the relief of George H. Garrett.

And then the House adjourned till to-morrow morning, half past nine o'clock.

THURSDAY, January 19th, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of J. Lacy & Co. and Edmund Black; which were referred to the committee on accounts.

Mr. Henley introduced a bill in relation to school funds of township seventeen, range two, east, in Marengo county; which was read the first time, and ordered to a second reading.

Mr. Henley presented the petition of Caroline Brackenridge and others; which was laid on the table.

Mr. Henley introduced a bill in relation to section sixteen, township fourteen, range one, east, in Marengo county.

Mr. Smith of P. introduced a bill to aid in securing and collecting of bad and doubtful debts due to the Bank of the State of Alabama, and its several Branches thereof; which were severally read the first time, and ordered to a second reading.

Mr. Dear presented the account of John D. Caldwell; which was referred to the committee on propositions and grievances.

Mr. McClung, from the judiciary committee, to whom was referred the petition of the heirs of John Hunter, late of Greene county, praying the rescision of a contract entered into by said Hunter in relation to

sixteenth section lands, together with a counter petition of David Barfield and others, reported that it would be inexpedient to rescind said contract; which report was concurred in.

Mr. McClung, from the same committee, to which was referred the bill to abolish the separate chancery court system, reported that it is inexpedient to pass the bill.

Mr. McClung moved to lay the report and bill on the table; which was lost—Yeas 36, Nays 45.

**YEAS**—messrs. Speaker, Abernathy, Barron, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dunklin, English, Gasque, Gresham, Hendrix, Hodges, Jackson, Jones of G. Kennedy of L. McClung, McCoy, Morrisett, Norman, Norris, Oliver, Pettit, Robinson, Smith of P. Smith of F. Tate, Ware, Watts, Williams of P. Winston of S. and Witherspoon.

**NAYS**—messrs. Banks, Barclay, Bishop, Bridges, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Harrison, Henderson, Henley, Hill, Kendrick, Kidd, Lankford, Marchbanks, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrison, Mundy, Murphey, Pickett, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Valliant, Whorton, Walker, Williams of J. and Winston of DeK.

Mr. Cochran moved to postpone the bill indefinitely.

A message from the Senate, by Mr. Seales:

Mr. Speaker—The Senate has passed the accompanying joint resolutions, authorizing Nathan Smith to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives from Pickens county.

The Senate recedes from its amendments disagreed to by the House, to the bill regulating the Branch of the Bank of the State of Alabama at Decatur, and the bill to regulate the Branch of the Bank of the State of Alabama at Mobile.

Mr. Scott, from the committee on enrolled bills, reported that they had examined a bill for the relief of George H. Garrett, and find the same correctly enrolled.

The question was then taken on the motion of Mr. Cochran to postpone, indefinitely, the bill to abolish the separate chancery court system; which was carried—Yeas 47, Nays 43.

**YEAS**—messrs. Speaker, Abernathy, Barron, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dunklin, Dunn, English, Gasque, Gresham, Harrison, Henderson, Hendrix, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Martin, McClung, McCoy, Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Robinson, Smith of P. Smith of T. Storrs, Tate, Ware, Watts, Whorton, Williams of P. Winston of S. and Witherspoon.

**NAYS**—messrs. Banks, Barclay, Bishop, Bridges, Caffey, Cain, Dubose, Earle, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Harris, Hill, Hodges, Hubbard, Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, McMillion, McLemore, Miree, Moore of M. Morgan of A. Morrison, Mundy, Murphey, Pynes, Rice, Richeson, Roby, Scott,

Skipper, Smith of L. Turner, Valliant, Walker, Williams of J. and Winston of DeK.

Mr. Morgan of A. moved to suspend the orders of the day, to give him an opportunity of introducing a resolution; which was carried—and Mr. Morgan of A. offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, on to-morrow, at twelve o'clock, for the purpose of electing a judge for the city court of the city of Wetumpka; and also three members of the medical board in the town of Demopolis; which was adopted.

Mr. Henley, from the select committee, to which was referred the petition of sundry citizens of the counties of Marengo and Sumter, reported a bill to revive a certain act therein named; which was read the first time, and ordered to a second reading.

Mr. Scott, from the committee on enrolled bills, reported that they had examined joint resolutions authorizing Nathan Smith to draw and receipt for the pay of Renben Gardner, deceased, late a member of the House of Representatives from Pickens county, and find the same correctly enrolled.

Mr. Cooper moved to suspend the order of the day, to take up the joint resolution in relation to providing a means by which the settlers on public lands may enter their homes in Alabama currency; which was carried.

The question was pending on the substitute offered by Mr. Ware:

Mr. Smith of L. moved to amend by striking out "five," in the sixth resolution, and inserting "eight," in lieu thereof.

Mr. Winston of DeK. called for a division of the question; which was first taken on striking out "five," in the sixth resolution, and carried.

The question was then taken on filling the blank with "eight;" which was lost—Yeas 34, Nays 56.

YEAS—messrs. Speaker, Banks, Barclay, Bishop, Cain, Cochran, Dortch, Douglass, Dubose, English, Findley, Fletcher, Fowler, Gamble, Griffin, Hill, Kennedy of L. Lankford, Marchbanks, Moore of M. Morgan of A. Rice, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. and Winston of Sumter.

NAYS—messrs. Abernathy, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dunklin, Earle, Erwin, Garland, Gasque, Gresham, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kidd, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Morgan of C. Morrisett, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Robinson, Roby Storrs, Ware, Watts, Winston of DeK. and Wither-  
spoon.

Mr. Winston of DeK. moved to fill the blank with "six."

Mr. Smith of L. moved to fill the blank with "seven;" which was lost—yeas 34, nays 54.

YEAS—messrs. Speaker, Banks, Barclay, Bishop, Cain, Cochran, Dortch, Douglass, Dubose, English, Findley, Fletcher, Fowler, Garland, Hill, Kennedy of L. Lankford, Marchbanks, Moore of M. Morgan of A. Morrison, Pickett, Rice, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Whorton, Williams of J. Williams of P. and Winston of Sumter.

NAYS—messrs. Abernathy, Barron, Bridges, Caffey, Campbell, Clay, Cooper, Crowder, Cunningham, Dunklin, Dunn, Earle, Erwin, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Jackson, Jones of Covington, Jones of Conecuh, Jones of G. Kendrick, Martin, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morris, Morrisett, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Porter, Pynes, Richeson, Robinson, Roby, Storrs, Valliant, Walker, Ware, Winston of DeK. and Witherspoon.

The question was then taken on the motion of Mr. Winston of DeK. to fill the blank with "six;" which was carried.

Mr. Earle moved to amend the fourth section, by striking out the words "for purposes of education," and inserting the words "to the support of common schools," in lieu thereof; which was carried.

Mr. Smith of P. moved to amend as follows:

*And be it further enacted,* That the provisions of these resolutions, shall extend to each citizen of the State; which was adopted.

Mr. Kennedy of L. moved to amend, by inserting after the words "ultimate payment of said loan," in section sixth, the following:

*And provided further,* That the personal and individual property of the stockholders of said company shall also be liable to satisfy said loan."

Which was adopted—yeas 71, nays 15.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bridges, Cain, Campbell, Clay, Cochran, Cunningham, Dortch, Douglass, Dubose, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Moore of M. Morgan of A. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Witherspoon.

NAYS—messrs. Barron, Caffey, Calhoun, Cooper, Crowder, Dunn, Earle, Gresham, Jones of Conecuh, Jones of G. McLemore, Morgan of C. Norris, Oliver and Ware.

Mr. Ware moved to amend as follows: "*Provided,* That the money so loaned, shall be faithfully applied to the purposes intended by Congress; and before said loan shall be made, the Governor shall take such obligations as he may deem proper to secure the same;" which was adopted.

Mr. Jackson moved to strike out the fifth resolution; which was lost—yeas 5, nays 83.

YEAS—messrs. Hill, Jackson, Jones of Cov. Smith of L. and Winston of S.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 19, 1843.

The House met pursuant to adjournment and proceeded to the consideration of the joint resolutions to provide a means by which the settlers on public lands may enter their homes in Alabama currency.

The question was on the adoption of the substitute offered by Mr. Ware, as amended in lieu of the original.

The substitute as amended was adopted.

The question was then taken on the adoption of the memorial and joint resolutions and lost. Yeas 42—nays 43.

YEAS—messrs. Abernathy, Barron, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dear, Earle, Fletcher, Fowler, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hubbard, Jones of Conecuh, Kennedy of M. Lankford, Martin, McLemore, Meriwether, Mitchell, Morgan of C. Morrisett, Morrison, Murphy, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Ware, Watts, Whorton and Winston of DeK.

NAYS—messrs. Speaker, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, English, Findley, Gamble, Henley, Hill, Hodges, Jones of G. Kendrick, Kennedy of L. Marchbanks, McClung, McCoy, McMillion, Miree, Moore of M. Morgan of A. Morris, Mundy, Norman, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Williams of J. Williams of P. Winston of S. and Witherspoon.

Mr. Murphey, from the select committee, to which was referred the petition of Davis E. Gresham and William Joiner, reported a bill for the relief of Davis E. Gresham and William Joiner; which was read the first time and ordered to a second reading.

Mr. Henley, from the select committee, to which was referred a bill in relation to school funds arising from sixteenth sections in certain

counties therein named, reported the same back to the House, without amendment, and asked to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Campbell moved to lay the bill on the table.

Mr. Cochran moved to take up the bill to regulate the Branch of the Bank of the State of Alabama at Montgomery; which was carried.

The House then proceeded to the consideration of the bill.

The bill then received its third reading.

Mr. Cochran moved to fill the blank in the third section of the bill with "thirteen hundred."

Mr. Martin moved to fill the said blank with "fifteen hundred;" which was lost.

The question was then taken on the motion of Mr. Cochran, to fill the blank with "thirteen hundred," and decided in the affirmative.

Mr. Rice moved the previous question; which was sustained. Yeas 68—nays 24.

YEAS—messrs. Barclay, Calhoun, Campbell, Cochran, Cooper, Crowder, Cunningham, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fowler, Gamble, Garland, Gasque, Griffin, Gresham, Harris, Harrison, Henderson, Henley, Hodges, Hubbard, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, Meriwether, Miree, Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK, Winston of S. and Witherspoon.

NAYS—messrs. Speaker, Banks, Barron, Bishop, Bridges, Caffey, Cain, Clay, Dear, Douglass, Earle, Fletcher, Hendrix, Hill, Jackson, McLemore, McMillion, Mitchell, Moore of M. Morgan of A. Morgan of C. Norris, Smith of T. and Storrs.

The main question—Shall this bill pass?—was decided in the affirmative. Yeas 52—nays 41.

YEAS—messrs. Abernathy, Banks, Caffey, Cain, Cochran, Cooper, Crowder, Cunningham, Dortch, Dear, Dunn, Erwin, Fowler, Gamble, Garland, Gresham, Griffin, Harris, Henley, Hodges, Hubbard, Jackson, Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morris, Murphey, Norman, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Tate, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. and Winston of S.

NAYS—messrs. Speaker, Barclay, Barron, Bishop, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Gasque, Harrison, Henderson, Hendrix, Hill, Jones of Cov. Kendrick, McClung, McMillion, Meriwether, Moore of M. Miree, Morgan of A. Morrisett, Morrison, Mundy, Norris, Porter, Smith of L. Smith of P. Smith of T. Storrs, Turner, Williams of J. Williams of P. and Witherspoon.

So the bill passed.

And then the House adjourned until to-morrow morning, half past nine o'clock.

FRIDAY, January 20, 1843.

The House met pursuant to adjournment.

Messrs. Woodward and Dear asked leave to record their votes on the passage of the bill, for the regulation of the Branch of the Bank of the State of Alabama at Montgomery; which was granted; and their votes were recorded in the negative.

Mr. Findley notified the House that he would move to reconsider the vote on the rejection of the joint resolutions, by which settlers on public lands may enter their homes in Alabama currency.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, in relation to interrogations proposed by him to the Alabama Life Insurance and Trust Company, together with the report of said Trustees in reply.

Mr. Calhoun moved to lay the communication on the table—which was carried.

Mr. Winston of DeK. notified the House, that he would move to reconsider the vote, adopting the substitute of Mr. Ware in lieu of the original joint resolutions, to provide a means by which settlers on public lands may enter their homes in Alabama currency.

Mr. Campbell moved to suspend the rules, in order to take up engrossed bills—which was carried.

On motion of Mr. Porter, it was

*Resolved*, That the doorkeeper be, and he is hereby authorized to have the necessary repairs made upon the chimneys of the Representative Hall.

The engrossed bill, in relation to the change of venue in certain counties therein named:

The engrossed bill, to alter and amend the eighteenth section of the fourth chapter of an act, regulating punishment under the penitentiary system, were severally read the third time and passed.

The engrossed bill, to repeal an act, entitled an act, to prevent the sacrifice of real estate, approved January first, eighteen hundred and forty-two, received its third reading, and passed—yeas 56—nays 35.

YEAS—messrs. Speaker, Banks, Barron, Caffey, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dortch, Dubose, Dunn, Dunklin, Earle, English, Erwin, Fowler, Gresham, Harris, Harrison, Henderson, Henley, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McMillion, Mitchell, Moore of M. Morgan of C. Morrisett, Norris, Oliver, Pickett, Porter, Robinson, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Ware, Watts, Whorton, Winston of S. and Wither-  
spoon.

NAYS—messrs. Abernathy, Barclay, Bishop, Cochran, Douglass, Findley, Fletcher, Gamble, Garland, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kidd, Lankford, Marchbanks, Meriwether, Miree, Morgan



of A. Morris, Morrison, Mundy, Murphey, Norman, Pettit, Pynes, Rice, Richeson, Scott, Storrs, Valliant, Walker, Williams of J. Winston of DeK. and Woodward.

Mr. Scott, from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, a bill for the regulation of the Branch of the Bank of the State of Alabama at Mobile.

The engrossed bill, to repeal in part an act to attach a part of Benton county to the county of Talladega, and for other purposes, approved, December twenty-three, eighteen hundred and thirty-six, was read the third time, and passed—yeas 68—nays 14.

YEAS—messrs. Banks, Barclay, Barron, Bishop, Cain, Calhoun, Clay, Cooper, Crowder, Cunningham, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Gamble, Gasque, Gresham, Griffin, Harris, Henderson, Hendrix, Henley, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Lankford, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Porter, Pynes, Rice, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valliant, Ware, Watts, Whorton, Williams of J. Winston of DeK. Witherspoon, and Woodward.

NAYS—messrs. Abernathy, Bridges, Cochran, Douglass, Harrison, Hill, Hodges, Hubbard, Kidd, Marchbanks, Martin, Norman, Skipper, and Tate.

So the bill passed.

The engrossed bill, for the retrenchment of expenses in judicial proceedings; was read the third time.

And, Mr. Robinson moved to fill the blank in the ninth section, with "the original papers in the cause;" which was carried.

Mr. McClung moved to amend, by way of engrossed rider, as follows:

*And be it further enacted*, That if any defendant or defendants to a suit founded on any joint obligation or contract, shall die after such suit shall have been commenced,—on the suggestion of such death, the suit may go on against the survivor or survivors, and also against the representative or representatives of such deceased defendant or defendants, on *scire facias*, as in other cases: *Provided*, that nothing herein contained, shall prevent a trial against the surviving defendant or defendants at the regular trial term.

Mr. Henley moved to amend the amendment, by adding after the word cases, the following:

And said *scire facias*, and the subsequent proceedings thereon, shall be taken and regarded as a distinct action,—as though such action had been brought only against such deceased person in the first instance; and his legal representatives shall plead to said *scire facias* as though there were a writ and declaration.

Which was adopted.

The amendment of Mr. McClung, as amended, received its third reading, and was adopted.

The question was then taken on the passage of the bill, and decided in the affirmative.

Mr. Storrs, from the committee on enrolled bills, reported that they had examined and find correctly enrolled—an act to regulate the Branch of the Bank of the State of Alabama at Decatur.

Mr. Henley introduced the following resolution—which was adopted:

*Resolved*, That the Senate be now invited to repair to the hall of the House, for the purpose of electing a Judge of the City Court of the city of Wetumpka, and three members of the Medical Board for the town of Demopolis.

The Senate then repaired to the hall of the House, and the two Houses proceeded first to the election of a Judge of the City Court of the city of Wetumpka.

*D. Lyman Beecher*, alone being in nomination, and he having received one hundred and fourteen votes, that being the whole number of votes given—Mr. Speaker declared him duly and constitutionally elected Judge of the City Court of the city of Wetumpka, for the term prescribed by the Constitution.

The two Houses next proceeded to the election of three members of the Medical Board for the town of Demopolis.

*William C. Ashe, Theodore Deivees, and W. F. Strawdwick*, alone being in nomination, and they having received one hundred and fourteen votes—Mr. Speaker declared them duly and constitutionally elected members of the Medical Board of the town of Demopolis, for the term prescribed by law.

The Senate then withdrew.

Mr. Griffin moved to suspend the order of the day, with a view of reconsidering the vote rejecting the memorial offered by Mr. Cooper; which was carried.

Mr. Findley then moved the reconsideration of the vote rejecting the memorial and joint resolutions to provide a means whereby settlers on public lands may enter their homes in Alabama currency; which was carried.

Mr. Winston of DeK. moved to reconsider the vote adopting the substitute offered by Mr. Ware, in lieu of the original offered by Mr. Cooper; which was carried.

The question was then taken on the adoption of the substitute offered by Mr. Ware, in lieu of the original, and the substitute was rejected. Yeas 37, Nays 50.

YEAS—Messrs. Banks, Barron, Caffey, Cain, Calhoun, Campbell, Cochran, Crowder, Cunningham, Dunklin, Dunn, Earle, Erwin, Gresham, Harris, Harrison, Henderson, Hendrix, Jackson, Jones of Conecuh, Kidd, McLemore, Morgan of C. Morrisett, Morrison, Norman, Norris, Oliver, Pettit, Porter, Pynes, Smith of L. Storrs, Ware, Watts, Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Bishop, Bridges, Clay, Dortch, Douglass, Dubose, English, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Henley, Hill, Hodges, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McGlun, McCoy, McMillion, Miree, Mitchell, Moore of M. Morgan of A.

Morris, Mundy, Murphey, Pickett, Rice, Richeson, Robinson, Roby, Skipper, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Winston of S. and Woodward.

The House then proceeded to the consideration of the joint resolutions offered by Mr. Cooper, to provide a means by which settlers on public lands may enter their homes in Alabama currency.

Mr. Watts moved to suspend the forty-second rule; which was lost.

Mr. Erwin of G.—(Mr. Rice in the chair)—moved to give the joint resolutions their second reading forthwith; which was carried; and the joint resolutions were read the second time.

Mr. Campbell moved to strike out the third resolution.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles, to wit:

A bill to authorize an investment of the school fund, of township four, range three, in Limestone county:

A bill imposing additional duties on the Secretary of State and clerks of the county courts, and for other purposes:

A bill explanatory of an act for the relief of Cassandra Kelly:

A bill to incorporate the town of Goldville, in Tallapoosa county:

A bill for the relief of Frances McCoy:

A bill to establish a certain road in Shelby county:

And a bill for the better organization of a Board of Trustees for the University of Alabama.

And then the House adjourned until three o'clock, p. m.

#### AFTERNOON SESSION, January 20, 1843.

The House met pursuant to adjournment—and resumed the consideration of the joint resolutions to provide a means by which settlers on public lands may enter their homes in Alabama currency.

The question was then taken on the motion of Mr. Campbell to strike out the third resolution, and was lost.

Mr. Henley moved the previous question; which was sustained.

Mr. Martin moved to consider the joint resolutions as engrossed and give them their third reading forthwith; which was carried.

The joint resolutions were then read the third time and passed. Yeas 63, Nays 22.

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Cain, Clay, Cochran, Cooper, Dear, Dortch, Douglass, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Henderson, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Moore of M. Morgan of A. Morris, Morrison, Mundy, Murphey, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Storrs, Tate, Walker, Whorton, Winston of DeK. and Witherspoon.

NAYS—messrs. Calhoun, Campbell, Crowder, Cunningham, Dubose, Hodges, Jackson, Jones of Cov. Kendrick, McLemore, Mitchell, Mor-

gan of C. Norman, Norris, Pettit, Smith of P. Ware, Watts, Williams of J. Winston of S. and Woodward.

Mr. Williams of J. offered the following amendment to the joint resolutions:

“*Provided*, That the benefits intended hereby to be conferred, shall extend equally to all persons entitled to pre-emption, within the limits of the State, in proportion to the amount of circulation deposited in the respective land offices, by the aforesaid persons; and in the event that the amount deposited previous to the date of sales, of the aforesaid lands, should exceed the amount contemplated by these joint resolutions, that then each and every person entrusted as aforesaid, shall receive a *pro rata quantum*, according to the amount deposited for entering said land as aforesaid: *And provided further*, that no person shall receive in the whole, more than the sum of two hundred dollars.”

Which was cut off by the previous question.

Mr. Mundy moved to amend the title of the joint resolutions, by inserting “in the State of Alabama;” which was carried.

Mr. Henley moved to suspend the orders of the day, to take up the bill to extend the term of the circuit court of Marengo county, and for other purposes; which was carried.

The bill was then read the third time and passed.

Mr. Calhoun moved to suspend the orders of the day, to take up the bill to divide the State into Districts, for electing members to Congress; which was carried.

Mr. Calhoun moved that the bill receive its second reading forthwith.

Mr. Hubbard moved to postpone the further consideration of the bill until next Friday; which was lost.

The question was then taken on Mr. Calhoun’s motion to give the bill its second reading forthwith, and carried.

The bill was read the second time.

Mr. Calhoun moved that the bill be referred to the committee appointed to divide the State into Congressional Districts; which was carried.

Mr. Campbell moved to take from the table, the bill to regulate the Bank of the State of Alabama, and the Branches at Huntsville and Montgomery; which was carried.

Mr. Campbell moved to refer the bill to the committee on the State Bank and Branches; which was carried.

Mr. Watts moved to suspend the orders of the day; which was carried.

Mr. Watts moved to suspend the forty-second rule; which was carried.

Mr. Dear notified the House that he would move to reconsider the vote, postponing indefinitely, the bill to abolish the separate Chancery Court system.

Mr. Norris moved that the House do now adjourn until half past six o’clock, P. M.

Mr. Hubbard moved to adjourn until half past nine o’clock, to-morrow morning, which was lost—yeas 41, nays 43.

YEAS—messrs. Banks, Barclay, Cain, Clay, Cochran, Cooper, Crow-

der, Dear, Fletcher, Fowler, Garland, Gasque, Harrison, Henderson, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McMillion, Meriwether, Morris, Norman, Pettit, Rice, Richeson, Robinson, Skipper, Smith of L. Smith of P. Storrs, Tate, Turner, Valliant, Winston of S. and Woodward.

NAYS—messrs. Speaker, Abernathy, Barron, Bishop, Bridges, Calhoun, Campbell, Cunningham, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Gamble, Gresham, Griffin, Henderson, Hill, Hodges, Kendrick, Lankford, Marchbanks, McLemore, Miree, Moore of M. Morgan of C. Morrisett, Morrison, Mundy, Norris, Pickett, Porter, Pynes, Roby, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon.

The question was then taken on the motion of Mr. Norris, to adjourn until half past six o'clock, P. M., and carried.

And the House adjourned to meet at half past six o'clock, P. M.

#### NIGHT SESSION, January 20th, 1843.

The House met pursuant to adjournment.

Mr. Barron moved to suspend the special order, in order to take up the messages from the Senate; which was carried.

The bill from the Senate, to establish a board of physicians in the counties of Talladega, Chambers and Barbour, was then read the first time, and Mr. McClung moved to suspend the constitutional rule, in order to give the bill a second reading forthwith; which was carried.

The bill was read the second time.

Mr. Jackson moved to amend by striking out "Thomas D. Panke," and inserting the name of "Dr. Crawford;" which was carried.

The bill was then ordered to a third reading.

The bill from the Senate, to reduce the salaries of certain officers therein named, was read the first time, and Mr. Ware moved to suspend the rule, with a view of giving this bill a second reading forthwith; which was carried.

The bill was then read the second time and referred to the committee on retrenchment.

The bill from the Senate, to attach a part of the county of Perry to Tuscaloosa, was read the first time, and Mr. Barron moved to lay the bill on the table; which was carried.

The bill from the Senate, for the final settlement of the affairs of the Planters and Merchants Bank of Mobile, was read the first time, and Mr. Campbell moved to suspend the rule in order to give this bill a second reading forthwith; which was carried.

The bill then received its second reading, and was referred to the committee on the State Bank and Branches.

The bill from the Senate, to change the mode of paying jailers for the support of insolvent prisoners, in the several counties in this State, and for other purposes, was read the first time, and Mr. McClung moved to suspend the rule in order to give the bill a second reading forthwith; which was carried.

The bill was read the second time and referred to the committee on the judiciary.

The bill from the Senate, more fully to carry into effect joint resolutions passed at the present session of the legislature, upon the subject of the alteration of the constitution of the State of Alabama, was read the first time, rule suspended, read the second time forthwith, when Mr. Douglass moved to refer the bill to the committee on roads, bridges and ferries.

Mr. Martin moved to lay the bill on the table; which was carried.

The bill from the Senate, for the relief of the purchasers of the sixteenth section, township eighteen, range five, east, in the Coosa land district, was read the first time, rule suspended and read the second time forthwith.

Mr. Hubbard moved to refer the bill to a select committee; which was carried.

The committee consists of messrs. Hubbard, Barclay, Storrs, Kendrick, Dear, Smith of P. Morgan of C. and Kennedy of —.

The bill from the Senate, to attach section thirty-four, township sixteen, range seven, east, in the Coosa land district, to the county of Talladega, was read the first time.

Mr. Martin moved to lay the bill on the table; which was carried.

The bill from the Senate, regulating the place of holding the special terms of the circuit court of Mobile county, and for other purposes, was read the first time, rule suspended, read the second time forthwith and referred to a select committee, composed of the delegation from Mobile.

The bill from the Senate, requiring the tax collector for the county of Benton to receive county claims in payment of county taxes, was read the first time, rule suspended, read the second time forthwith, and referred to a select committee, composed of the delegation from the county of Benton.

The bill from the Senate, to incorporate the Warrior Manufacturing Company, was read the first time, rule suspended and read the second time forthwith.

Mr. Rice moved to refer the bill to the committee on the judiciary; which was carried.

The bill from the Senate, to repeal an act requiring the Governor of the State to reside at the seat of Government during the interval of the legislature, was read the first time—rule suspended, read the second time forthwith, and ordered to a third reading.

The bill from the Senate, for the relief of the purchasers of the sixteenth section of township thirteen, range eleven, in Marion county, was read the first time—rules suspended, read the second time forthwith, and referred to the select committee raised to-night.

The bill from the Senate, authorizing Thomas M. Cowles to take out letters of administration in the county of Montgomery, was read the first time—rule suspended; read the second time forthwith—rule further suspended; read the third time forthwith, and passed.

The bill from the Senate, to authorize the building of a jail in the city

of Huntsville, in the county of Madison, and for other purposes, was read the first time—rule suspended; read the second time forthwith, and Mr. McClung moved to refer the bill to a select committee—composed of the delegation from Madison; which was carried:

The amendment made by the Senate, to the bill to extend for a limited time, the indebtedness of the purchasers of the sixteenth section, township nine, range seven; was concurred in.

Joint resolutions from the Senate, requiring the Secretary of State to furnish stationery for the Supreme Court Judges, was read the first time—rule suspended; read the second time forthwith—rule further suspended; read the third time, and passed.

The bill from the Senate, to compensate Daniel M. Forney; was read the first time—rule suspended; read the second time, forthwith and Mr. Calhoun moved to refer the bill to the committee on propositions and grievances; which was carried.

The bill from the Senate, providing for the payment of interest on the purchase money of section sixteen, township nineteen, range five, east, in Talladega county; was read the first time—rule suspended; read the second time forthwith, and ordered to a third reading.

The bill from the Senate, to repeal an act to incorporate the town of Talladega; was read the first time—rule suspended; read the second time forthwith, and ordered to a third reading.

The bill from the Senate, for the relief of Walter Chiles; was read the first time and ordered to a second reading.

The bill from the Senate, to pay Goodridge Driver was read the first time—rule suspended; read the second time, and on motion of Mr. Calhoun, referred to the committee on accounts.

The bill from the Senate, for the relief of Nathaniel H. Marks, was read the first time—rule suspended; read the second time and on motion of Mr. Kennedy of L. referred to the committee on the judiciary.

The bill from the Senate, to amend an act for the better regulation and management of steamboats, was read the first time—rule suspended; read second time, and referred to the committee on the judiciary.

The amendment made by the Senate, to the bill to repeal in part, the act appropriating two hundred thousand dollars in aid of valueless sixteenth sections; were concurred in.

The bill from the Senate, for the relief of B. M. Bradford and Jack Shackelford, was read the first time—rule suspended; read the second time, and Mr. Henley moved to refer the bill to the committee on propositions and grievances; which was carried.

The bill from the Senate, for the relief of Ellison Warren, was read the first time, and ordered to a second reading.

The bill from the Senate, for the relief of the purchasers of a portion of the sixteenth section, in township seventeen, range two, east, in Marengo county, was read the first time—rule suspended; read the second time forthwith, and on motion of Mr. Henley, referred to the committee on propositions and grievances.

The bill from the Senate, to pay certain contracts for teaching common schools, was read the first time, rule suspended, read the second

time, and on motion of Mr. Calhoun, referred to the committee on the State Bank and Branches.

The joint resolutions from the Senate, authorizing the purchase of chairs for the Supreme Court room, were read the first time, rule suspended, read the second time forthwith, and Mr. Kennedy of L. moved to refer the resolutions to the committee on retrenchment; which was lost.

Mr. Winston of S. moved to refer them to the committee on the judiciary; which was lost.

Mr. Calhoun moved to postpone the resolutions indefinitely; which was lost.

Mr. Norman moved to amend as follows, to come in after the word "room," in first section: "also, the sum of seventy-five dollars, for the purpose of purchasing chairs for the Executive office."

Mr. Barron moved to amend the amendment, by striking out "seventy-five;" which was carried.

Mr. Hubbard moved to fill the blank with "fifty;" which was carried.

Mr. Calhoun moved to lay the amendment, as amended, on the table; which was lost.

The amendment was then adopted.

Mr. Calhoun moved to amend the proviso, as follows:

*Provided*, that no chair shall be purchased, costing more than one dollar each.

Mr. Jones of G. moved to lay the amendment on the table; which was carried—Yeas 52, Nays 23.

YEAS—messrs. Speaker, Abernathy, Banks, Barron, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Douglass, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Gamble, Garland, Gasque, Gresham, Harrison, Henley, Hodges, Jones of G. Kendrick, Kennedy of L. Kidd, Martin, McClung, McCoy, McLemore, McMillion, Miree, Moore of M. Morgan of A. Morrisett, Mundy, Norman, Norris, Pettit, Porter, Rice, Richeson, Roby, Smith of P. Smith of T. Storrs, Turner, Watts, Winston of DeK. and Witherspoon.

NAYS—messrs. Barclay, Bishop, Calhoun, Cunningham, Earle, Griffin, Hendrix, Hill, Hubbard, Lankford, Marchbanks, Morgan of C. Morris, Murphey, Pynes, Robinson, Skipper, Tate, Valliant, Ware, Whorton, Williams of J. and Winston of S.

Mr. Calhoun then moved to amend by proviso, as follows:

*Provided*, that no chair shall cost more than three dollars each.

Mr. Martin moved the previous question; which was sustained, and the joint resolutions ordered to a third reading.

The bill from the Senate, to authorize an investment of the school funds of township four, range three, in Limestone county, was read first time, rule suspended, read second time, and on motion of Mr. Moore of M. was referred to the committee on education.

Mr. Crowder moved that the House do now adjourn till half past nine o'clock to-morrow morning; which was lost—Yeas 19, Nays 56.

YEAS—messrs. Banks, Cain, Cooper, Crowder, Douglass, Earle, Hubbard, Jones of G. Pettit and Richeson.



**NAYS**—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Calhoun, Campbell, Clay, Cochran, Cunningham, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Gamble, Griffin, Harrison, Henderson, Henley, Hill, Hodges, Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLeMore, Miree, Moore of M. Morgan of C. Morris, Morrisett, Mundy, Murphey, Norman, Norris, Porter, Pynes, Rice, Robinson, Roby, Skipper, Smith of P. Storrs, Tate, Valliant, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. and Witherspoon.

The bill from the Senate, to impose additional duties on the Secretary of State and clerks of the county courts, and for other purposes, was read the first time, rule suspended, read the second time, and on motion of Mr. Moore of M. was referred to the committee on the judiciary.

The bill from the Senate, explanatory of an act for the relief of Cassandra Kelley, was read the first time, rule suspended, read the second time, and on motion of Mr. Norris, referred to the committee on the judiciary.

The bill from the Senate, for the better organization of a board of trustees for the University of Alabama, was read the first time, rule suspended, read the second time, and referred to the select committee on the retrenchment of expenses in the State University.

The bill from the Senate, to incorporate the town of Goldville, in Tallapoosa county, was read the first time, rule suspended, read the second time forthwith, and Mr. Moore of M. moved to amend the third section by striking out the words "white person," and inserting in lieu thereof the words "white male inhabitants;" which was lost.

Mr. McClung moved to reconsider this vote; which was carried.

The amendment of Mr. Moore of M. was then adopted.

The rule was further suspended, and the bill was read the third time and passed.

The bill from the Senate for the relief of Frances McCoy, was read the first time, rule suspended, read the second time, and on motion of Mr. Winston of S. referred to the committee on the judiciary.

The bill from the Senate to establish a certain road in Shelby county, was read the first time, rule suspended, read the second time, and on motion of Mr. Henley, referred to the committee on roads, bridges and ferries.

And then the House adjourned until to-morrow morning, at half past nine o'clock.

SATURDAY, January 21, 1843.

The House met pursuant to adjournment.

Mr. Mundy moved to suspend the call of the counties; which was carried.

Mr. Campbell, from the committee on the State Bank and Branches, to whom was referred a communication from the Cashier of the Bank of the State of Alabama, reported the following:

Joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened.

*Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, be authorized to insert the sum of one hundred and nineteen thousand two hundred and seven and sixty-one-hundredths dollars, the first instalment of the two per cent. fund already received, in the treasury notes issued from the treasury department of the United States, bearing interest at the rate of six per cent per annum, and shall hold the same, and the interest accruing thereon, subject to the provisions of the law heretofore made.

*Be it further Resolved,* That the Cashier aforesaid shall receive and reinvest the interest that may arise on such notes.

The joint resolutions were read the first time, and Mr. Campbell moved to suspend the rule in order to give them a second reading forthwith; which was carried.

The joint resolutions were then read the second time, and Mr. Campbell moved a further suspension of the rule; which was carried.

Whereupon, the joint resolutions received their third reading, and passed.

Mr. Ware, from the committee on internal improvement, to whom was referred the petition of John Haughton and others, reported a bill to authorize John Haughton to erect a mill on the west bank of the Coosa river; which was read the first time.

Mr. Ware moved to suspend the rule with a view of giving this bill a second reading forthwith; which was carried.

The bill was then read the second time and ordered to be engrossed.

The House then proceeded to the consideration of the bill in relation to school funds arising from sixteenth sections, in certain counties therein named.

The question was on the motion of Mr. Campbell to lay the bill on the table.

Mr. Campbell withdrew his motion to lay on the table, and moved to postpone the bill indefinitely.

Mr. Pettit moved to suspend the consideration of this bill for the present; which was carried.

Mr. Pettit moved to suspend the twenty-sixth rule.

Mr. Pettit introduced a bill to amend the laws in relation to small pox, and other contagious diseases; which was read the first time—rule suspended, read a second time—rule further suspended, read a third time, and passed.

The House then resumed the consideration of the bill in relation to school funds arising from sixteenth sections, in certain counties therein named.

The question was on the motion of Mr. Campbell, to postpone the bill indefinitely.

The hour of twelve o'clock having arrived—

Mr. Barclay notified the House that he would move to amend the forty-second rule.

Mr. Henley moved to suspend the orders of the day; which was lost. A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House—

A bill to regulate the Branch of the Bank of the State of Alabama, at Montgomery:

A bill to divorce Maria Boothe from her husband G. W. Boothe:

A bill concerning the estates of deceased persons.

And, has also passed bills of the following titles—

A bill for the relief of John M. Yancy:

A bill to put in liquidation the Branch of the Bank of the State of Alabama, at Huntsville:

A bill to authorize Nelson H. White to turnpike a certain road:

And, a bill to incorporate the town of New Lexington, in Tuscaloosa county.

The Senate also concurs in the amendments of the House to the bill to incorporate the town of Goldville, in Tallapoosa county.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills of the following titles—

A bill supplemental to an act to alter the mode of assessing and collecting the taxes in Sumter county—approved January fourth, eighteen hundred and forty-three:

A bill from the House, to amend the law in relation to small pox, and other contagious disorders:

Also, a bill to incorporate the Erosophic Society of the University of Alabama:

Mr. Pettit moved to suspend the special orders; which was lost.

Mr. Cunningham, from the committee on enrolled bills, reported, that they had examined and find correctly enrolled—

An act to amend the law in relation to small pox, and other contagious disorders:

Also, a bill to divorce Maria Boothe from her husband G. W. Boothe.

Mr. English, from the same committee, reported that they had examined and found correctly enrolled—an act to repeal in part an act appropriating two hundred thousand dollars annually, in aid of sixteenth sections.

The House then took up the bill to regulate the management and expenses of the Bank of the State of Alabama, and its Branches; which was made the special order for this day, at twelve o'clock.

Mr. Campbell moved to strike out the first section of the bill; which was carried.

Mr. Campbell moved to amend by additional section, as follows:

That the Branch of the Bank of the State of Alabama, at Decatur, be authorized to pay the interest on the funds of the sixteenth section paid into the said Bank,—and to lend the moneys that may hereafter be paid according to the existing laws; and in the event of the failure of the means in the said Bank to pay the interest, the Branch Bank at Huntsville shall be authorized to lend the amount necessary, to said Branch Bank at Decatur, to perform this duty.

The amendment was adopted.

Mr. Martin moved to amend by additional section, as follows:

*And be it further enacted,* That the solicitor of the general circuits in which said Bank or Branches may be situated, shall discharge the duties of Bank Attorneys,—and for such service, shall receive the salary now allowed by law.

Mr. Bridges moved to postpone the amendment indefinitely; which was carried.—Yeas 75, nays 11.

YEAS—messrs. Speaker, Banks, Barclay, Barron, Bishop, Bridges, Cain, Calhoun, Campbell, Clay, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McCoy, McMillion, Miree, Mitchell, Moore of M. Morgan, of A. Morgan of C. Morrisett, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Scott, Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Ware, Watts, Williams of J. Winston of DeK. Witherspoon, and Woodward.

NAYS—messrs. Abernathy, Cunningham, Garland, Gresham, Hubbard, Martin, McLemore, Morris, Murphey, Skipper, and Smith of L.

Mr. Henley moved to amend by additional section, as follows:

*And be it further enacted,* That in all cases in which it may be practicable, the said Bank and Branch Banks may employ some competent attorney at law, in each county in which any portion of the bad and doubtful debts, as classed at the present session of the General Assembly, may be due—and to place in said attorneys' hands, such part of said bad and doubtful debts as may be deemed expedient: and such attorney shall receive such compensation for his services, as a majority of the Presidents and Board of Directors shall think proper: and where it may be impracticable to procure a competent attorney in any such county, one may be employed in the county nearest the same.

The amendment was adopted.

Mr. Barclay moved to amend by additional section, as follows:

*And be it further enacted,* That the Branch Banks at Mobile and Decatur, are hereby required to pay their proportion of the two hundred thousand dollars, to the aid of valueless sixteenth sections, on proper application being made, for the year eighteen hundred and forty-two.

Mr. Calhoun moved to lay the amendment on the table; which was carried.

Mr. Moore of M. moved to amend by two additional sections, as follows:

*And be it further enacted,* That from and after the passage of this act, the per diem allowance heretofore given to Directors of the Bank of the State of Alabama, and the Branch Bank at Huntsville, be, and the same is hereby repealed.

*And be it further enacted,* That from and after the passage of this act, the salary of the President of the Bank of the State of Alabama, and the President of the Branch Bank at Huntsville, shall be five hundred dollars, and no more.

Mr. Campbell moved to lay the amendment on the table ; which was lost—Yeas 41, Nays 50.

YEAS—messrs. Speaker, Banks, Caffey, Cain, Cochran, Campbell, Crowder, Cunningham, Dortch, Dunn, English, Erwin, Gamble, Gresham, Harris, Harrison, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. Kidd, McCoy, Mitchell, Morgan of A. Morgan of C. Morrison, Norman, Oliver, Pettit, Porter, Pynes, Rice, Roby, Tate, Walker, Ware, Watts, Witherspoon and Woodward.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Bridges, Calhoun, Clay, Cooper, Dear, Douglass, Dubose, Dunklin, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Morris, Morrisett, Mundy, Murphey, Norris, Pickett, Richeson, Robinson, Scott, Skipper, Smith of L. Smith of P. Storrs, Turner, Valliant, Whorton, Williams of J. and Winston of DeK.

Mr. Calhoun moved to strike out so much as relates to the State Bank ; which was carried—Yeas 74, Nays 16.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Harris, Harrison, Henley, Hill, Jackson, Jones of Cov. Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, Marchbanks, Martin, McCoy, McMillion, Miree, Mitchell, Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Smith of L. Smith of P. Storrs, Tate, Turner, Valliant, Ware, Watts, Whorton, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Clay, Griffin, Hendrix, Hodges, Hubbard, Kennedy of M. Lankford, McClung, Moore of M. Morris, Murphey, Robinson, Scott, Skipper, Walker and Winston of DeK.

Mr. Mundy moved to postpone indefinitely the amendment offered by Mr. Moore of M.; which was lost. Yeas 42—nays 47.

YEAS—messrs. Speaker, Abernathy, Banks, Bridges, Caffey, Cain, Campbell, Cochran, Crowder, Cunningham, Dear, Dortch, Dunklin, Dunn, English, Fowler, Gamble, Gasque, Harrison, Hodges, Jackson, Jones of Cov. Jones of G. Martin, McCoy, Morgan of A. Morgan of C. Mundy, Oliver, Pettit, Porter, Pynes, Rice, Roby, Skipper, Smith of P. Tate, Ware, Watts, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Barclay, Barron, Bishop, Calhoun, Clay, Douglass, Dubose, Earle, Erwin, Findley, Fletcher, Garland, Griffin, Harris, Henderson, Henley, Hill, Hubbard, Jones of Conecuh, Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McMillion, Miree, Mitchell, Moore of M. Morris, Morrisett, Morrison, Murphey, Norman, Norris, Pickett, Richeson, Robinson, Scott, Smith of L. Storrs, Turner, Valliant, Walker, Whorton and Winston of DeK.

The amendment was then adopted.

Mr. Henley moved to amend as follows, to come in at the end of the

amendment previously offered by him: "And that the Banks containing a list of the debtors and amount of indebtedness to said Banks, which have been submitted to the members of the General Assembly at the present session, shall, as early as convenient, be returned to said several Branch Banks respectively;" which was adopted.

The bill was then ordered to be engrossed for a third reading.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles, to wit:

An act for the regulation of the Branch of the Bank of the State of Alabama at Mobile:

An act to regulate the Branch Bank at Decatur:

And joint resolutions authorizing Nathan Smith to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives from the county of Pickens.

And then the House adjourned until three o'clock, p. m.

#### AFTERNOON SESSION, January 21, 1813.

The House met pursuant to adjournment.

Mr. Campbell moved to postpone the consideration of the special order for the present; which was carried.

The House then took up the joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened.

Mr. Campbell moved to strike out the preamble and first and third resolutions; which was carried.

Mr. Campbell moved to amend by inserting the words, "and prosecute," after the word "substitute;" which was carried.

Mr. Campbell moved to fill the blank with the words "two and a half;" which was carried.

The joint resolutions was then ordered to be engrossed for a third reading.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to repeal in part an act appropriating two hundred thousand dollars annually in aid of sixteenth sections:

An act to amend the law in relation to small pox and other contagious disorders:

An act to divorce Maria Boothe from her husband, George W. Boothe.

All of which originated in this House.

Mr. Scott, from the committee on enrolled bills reported as correctly enrolled,

An act concerning the estates of deceased persons:

Also, an act to extend, for a limited time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven.

Mr. Martin moved to suspend the orders of the day to take up the message from the Senate containing the bill for the regulation of the

Branch of the Bank of the State of Alabama at Huntsville; which was carried.

The House then proceeded to the consideration of the bill to regulate the Branch Bank at Huntsville.

The bill was read the first time.

Mr. Campbell moved to postpone the bill indefinitely; which was lost. Yeas 45—nays 45.

YEAS—messrs. Speaker, Abernathy, Bishop, Barclay, Barron, Bridges, Caffey, Calhoun, Campbell, Clay, Cooper, Dear, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Kendrick, Kennedy of L. Lankford, Marchbanks, McClung, McMillion, Miree, Moore of M. Morgan of A. Morrison, Mundy, Norris, Robinson, Smith of L. Smith of P. Smith of T. Storrs, Tate, Whorton, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Banks, Cain, Cochran, Crowder, Dortch, Earle, Erwin, Fowler, Garland, Gresham, Harris, Harrison, Henlev, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of M. Kidd, McCoy, Martin, McLemore, Morgan of C. Morris, Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Scott, Skipper, Valliant, Walker, Ware, Watts, and Winston of DeK.

Mr. Martin moved to postpone the further consideration of the bill until Monday next, at twelve o'clock, and make it the special order for that hour; which was carried. Yeas 51—nays 39.

YEAS—messrs. Abernathy, Banks, Cain, Cochran, Cooper, Dortch, Dunn, Earle, Erwin, Fowler, Garland, Gresham, Harris, Harrison, Henlev, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morris, Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Scott, Skipper, Valliant, Ware, Walker, Watts, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Barclay, Barron, Bishop, Bridges, Caffey, Calhoun, Campbell, Clay, Dear, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Kendrick, McClung, McMillion, Miree, Moore of M. Morgan of A. Morrison, Mundy, Norris, Robinson, Smith of L. Smith of P. Smith of T. Storrs, Tate, Whorton, Witherspoon and Woodward.

Mr. Martin moved to suspend the forty-second rule; which was carried.—Yeas 65—nays 23.

YEAS—messrs. Speaker, Banks, Barclay, Cain, Campbell, Clay, Cochran, Crowder, Dear, Dortch, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gasque, Gresham, Harris, Henderson, Hendrix, Hodges, Hubbard, Jackson, Jones of C. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Marchbanks, Martin, McCoy, McMillion, Miree, Mitchell, Morgan of A. Morgan of C. Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Tate, Turner, Valliant, Walker, Ware, Watts, Williams of J. Winston of DeK. Witherspoon and Woodward.

**NAYS**—Messrs. Abernathy, Barron, Bishop, Bridges, Caffey, Calhoun, Cooper, Griffin, Henley, Kidd, Lankford, McClung, McLemore, Moore of M. Morris, Morrisett, Morrison, Mundy, Norris, Scott, Smith of P. Smith of T. and Whorton.

Mr. Martin moved that the House do now adjourn until Monday morning, half past nine o'clock; which was carried.

And the House adjourned until Monday morning, half past nine o'clock.

MONDAY, January 23d, 1843.

The House met pursuant to adjournment.

Mr. Gasque presented the petition of Robert Joiner and others; which was referred to the committee on privileges and elections.

Mr. Pettit introduced a bill to rescind the contract of sale of section sixteen, in township thirteen, range twenty-seven, in Barbour county; which was read the first time, and ordered to a second reading.

Mr. Watts presented the petition of A. M. Reed and others; which was referred to the committee on propositions and grievances.

Mr. Dubose introduced a bill to extend the term of the circuit court of Clarke county, and for other purposes; which was read the first time, and Mr. Dubose moved to suspend the rule in order to give this bill a second reading forthwith, which was carried.

The bill then received its second reading, and on motion of Mr. Dubose, was laid on the table.

Mr. Norris introduced a bill to secure the collection of the bad and doubtful debts due the State Bank and Branches and for other purposes; which was read the first time, and Mr. Jackson moved to postpone the bill indefinitely.

Mr. Norman moved the previous question.

Mr. Henley moved to lay the bill on the table; which was carried.

Message from the Governor, by Mr. Garrett.

Mr. Speaker—His Excellency, the Governor has approved bills which originated in the House of Representatives, of the following titles, to wit:

An act concerning the estates of deceased persons:

And an act to extend, for a limited time, the indebtedness of the purchasers of sixteenth section, township nineteen, range seven.

Mr. English introduced a bill to change the manner of protesting paper held by the State Bank and Branches; which was read the first time, and Mr. English moved to suspend the rule, in order to give this bill a second reading forthwith; which was carried.

The bill then received its second reading, and on motion of Mr. English, was referred to the committee on the State Bank and Branches.

Mr. Henley introduced a bill to change the time of holding the circuit courts in the first judicial circuit, and for other purposes; which was read the first time, and Mr. Henley moved to suspend the rule, with a view of giving this bill its second reading forthwith; which was carried.

The bill was then read the second time.



Mr. Henley moved to refer the bill to a select committee, composed of one member from each county in the first judicial circuit; which was carried.

Mr. Erwin presented the petition of James King; which was referred to a select committee, composed of the delegation from Mobile.

Mr. Gresham presented the petition of Charles Stone; which was referred to the committee on divorce and alimony.

Mr. Gresham introduced a bill to abolish certain precincts, and establish others therein mentioned; which was read the first time.

Mr. Gresham moved to suspend the rule, with a view of giving this bill its second reading forthwith; which was carried,—and the bill was then read the second time.

Mr. Morgan of A. moved to amend by adding: “that the election precinct at the house of Willie W. Coggins, in the county of Autauga, be abolished.”

The amendment was adopted.

Mr. Bridges then moved to refer the bill to the committee on privileges and elections; which was carried.

Mr. McClung, from the judiciary committee, to whom was referred a bill for the relief of Nathaniel H. Marks,—reported, that they consider the provisions of the bill inconsistent with the spirit of the Constitution of the State, and recommend its rejection.

Mr. McClung moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to which was referred a bill from the Senate, for the relief of Frances McCoy,—reported, that they recommend the bill to the favorable consideration of the House.

The bill was ordered to a third reading

Mr. McClung, from the same committee, to which was referred a bill explanatory of an act for the relief of Cassandra Kelly,—reported the bill back to the House, and recommended its passage with the following amendment: After the word “that” in the tenth line of said bill, insert the word “such”

Which amendment of the committee was adopted.

Mr. Norris moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time, and passed.

Mr. McClung, from the same committee, to which was referred a bill to amend an act for the better regulation and management of steamboats,—reported the bill back to the House, without amendment, and recommended its passage.

Mr. McClung moved to give the bill its third reading forthwith; which was carried.

The bill received its third reading forthwith, and passed.

Mr. McClung, from the same committee, to which was referred a bill to change the mode of paying jailers for the support of insolvent prisoners, in the several counties in this State, and for other purposes,—reported the bill back to the House, without amendment, and recommended its passage.

Mr. McClung moved to suspend the rule, with a view of giving this bill its third reading forthwith; which was carried.

The bill was then read the third time.

Mr. Campbell, moved its indefinite postponement.

Mr. Henley moved to lay the bill on the table; which was lost.

The question was then taken on the motion of Mr. Campbell, to postpone the bill indefinitely, and was carried.—Yeas 48, nay 44.

YEAS—messrs. Barron, Caffey, Cain, Campbell, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Findley, Fowler, Garland, Gasque, Gresham, Harrison, Henley, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kidd, McCoy, McMillion, Meriwether, Morgan of A. Morgan of C. Morrison, Mundy, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Richeson, Roby, Skipper, Smith of P. Smith of T. Storrs, Walker, Ware, Watts, Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Calhoan, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, English, Fletcher, Gamble, Griffin, Harris, Henderson, Hendrix, Hodges, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McLemore, Mitchell, Moore of M. Morris, Morrisett, Murphey, Norris, Rice, Robinson, Scott, Smith of L. Tate, Turner, Valliant, Williams of J. and Woodward.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill the better to secure rents:

The Senate concurs in the amendments made by the House, to a bill incorporating the town of Goldville, in Tallapoosa county.

Mr. Campbell, from the committee on the State Bank and Branches, to whom was referred a bill from the Senate, for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile,—reported the bill back to the House, with the following amendment:

After the word "whereas," in the preamble, insert the words "it has been represented to the General Assembly of the State of Alabama, that."

After the end of the first section, add the following:

And for the purpose of ascertaining, judicially, the fact aforesaid, or such other facts as may exist, to cause the forfeiture of the charter of the said Bank, it shall be the duty of the solicitor of the tenth judicial circuit, forthwith to file an information in the nature of a *quo warranto* against the said Bank, before the judge of the circuit court of said circuit, or the judge of the county court of the said county of Mobile, either of whom may hold a special term of said court for said purpose; and it shall be the duty of the solicitor to cause a copy of the said information to be served on the said Bank by the sheriffs of said county; which service may be made by delivering the copy to the Cashier or President of the same; and if the said Bank shall not appear and plead by issue, then it shall be the duty of said court to pronounce a judgment of forfeiture; and if the said Bank shall appear and plead, then the court is authorized to cause a jury to be summoned forthwith, to try the issues that may be joined; and the court shall proceed to judgment as the laws of the land may require; and after the rendition of judgment

upon the said information by the said court in favor of the State, all the provisions of this act shall have full force and effect, and the franchises of the said Bank shall become forfeited; and all conveyances, attachment, liens, or other incumbrances, done or suffered by the said corporation, in regard to any property of the same, since the commission of the act of forfeiture, shall be of no effect or validity, unless ratified and confirmed by the commissioners hereafter named: *Provided*, that if no cause of forfeiture shall be found, this act shall have no force or validity.

Also strike out the word "two," and insert the word "four," in lieu thereof, where the word occurs in the second section.

Also, at the end of the fourth section, insert, "and no more property shall be sold, than shall be sufficient to pay the debts of the said Bank."

And strike out the words "fifteen hundred," where they occur in the tenth section, and insert the words "one thousand," in lieu thereof.

The amendments being severally adopted, Mr. Campbell moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill from the House, for the relief of Peter Eldridge, Isham C. Brewder and others.

The Senate has also passed bills of the following titles:

A bill to add a part of Monroe to Clarke county:

A bill to compensate the commissioners for the examination of Clay's Digest:

Mr. Scott, from the committee on enrolled bills, reported that they had examined, and find correctly enrolled, joint resolutions requiring the Secretary of State to furnish stationery for the Supreme Court judges.

Mr. McClung, from the judiciary committee, to whom was referred a bill to impose additional duties upon the Secretary of State and clerks of the county courts, and for other purposes, reported the bill back to the House without amendment, and recommended its passage.

Mr. McClung moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Ordered, that leave of absence be granted to Mr. Cunningham for the balance of the session, and to Mr. Henley for ten days.

The hour of twelve having arrived, Mr. Martin moved to suspend the special order for the purpose of taking up the bill to regulate the Branch of the Bank of the State of Alabama, at Huntsville; which was carried—yeas 54, nays 36.

YEAS—messrs. Banks, Caffey, Cain, Cochran, Cooper, Crowder, Dortch, Douglass, Dunn, Earle, English, Erwin, Fowler, Gamble, Garland, Gasque, Gresham, Harris, Harrison, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Martin, McCoy, McLemore, Meriwether, Mitchell, Morgan of C. Morris, Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Scott, Skipper, Smith of L. Valliant, Walker, Ware, Watts, Winston of DeK. and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Dubose, Dunklin, Findley, Fletcher, Griffin, Henderson, Hendrix, Hill, Kendrick, Marchbanks, McClung, McMillion, Miree, Moore of M. Moore of P. Morgan of A. Morrison, Mundy, Robinson, Scott, Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. and Witherspoon.

Mr. Martin then moved to give the bill its second reading forthwith; which was carried.

The bill was then read the second time.

Mr. Campbell moved to postpone the bill indefinitely; which was lost—yeas 43, nays 48:

**YEAS**—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gamble, Gasque, Griffin, Henderson, Hendrix, Hill, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morrison, Mundy, Robinson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. Witherspoon and Woodward.

**NAYS**—messrs. Banks, Caffey, Cain, Cooper, Cochran, Crowder, Dortch, Dunn, Earle, Erwin, Fowler, Garland, Gresham, Harris, Harrison, Henley, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of A. Morris, Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts and Winston of DeK.

Mr. Campbell moved to amend by an additional section, as follows:

Section 18. That the Branch of the Bank of the State of Alabama, at Huntsville, shall pay the interest on the funds arising from sixteenth sections, that have been paid into the said Bank; and shall have power to lend the money hereafter paid on notes deposited in said Bank, by the commissioners of the different townships, according to existing laws.

Mr. Jackson moved to lay the amendment on the table; which was lost.

The amendment was then adopted.

Mr. Martin moved to make the bill the special order for its third reading, at twelve o'clock to morrow.

Mr. Calhoun moved to postpone the bill until Thursday next, and that it be made the special order for its third reading at twelve o'clock on that day; which was lost—yeas 45, nays 46:

**YEAS**—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Calhoun, Campbell, Clay, Dear, Douglass, Dubose, Dunklin, Findley, Fletcher, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morris, Morrison, Mundy, Norris, Robinson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. Witherspoon and Woodward.

**NAYS**—messrs. Banks, Caffey, Cain, Cochran, Crowder, Dortch, Dunn, Earle, English, Erwin, Fowler, Gamble, Garland, Gresham, Harris, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of

G. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware and Watts.

The question was then taken on the motion of Mr. Martin, to make the bill the special order for twelve o'clock, to-morrow, for its third reading; and was carried.

The House then proceeded to take up the bill to divide the State of Alabama into nine judicial circuits, and to fix the times for holding the terms of the several circuit courts in this State; it being the special order.

Mr. Campbell moved to postpone the bill indefinitely; which was lost. Yeas 32—nays 57.

YEAS—messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Dunklin, Erwin, Gasque, Harrison, Hendrix, Hubbard, Jones of Cov. Kendrick, McCoy, Martin, Morgan of A. Morrison, Murphey, Oliver, Pynes, Skipper, Smith of P. Smith of T. Ware, Watts and Winston of DeK.

NAYS—messrs. Speaker, Banks, Bridges, Cain, Calhoun, Clay, Dortch, Douglass, Dubose, Dunn, Earle, English, Findley, Fletcher, Fowler, Gamble, Garland, Gresham, Griffin, Hill, Hodges, Jackson, Jones of Conecuh, Jones of G. Kennedy of M. Kennedy of L. Kidd, Lankford, Marchbanks, McClung, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of C. Morris, Morrisett, Mundy, Norman, Norris, Pettit, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Storrs, Tate, Turner, Valliant, Walker, Whorton, Williams of J. Witherspoon and Woodward.

Mr. Martin moved to refer the bill to a select committee composed of one member from each judicial circuit.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 23, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State.

The question pending on Mr. Martin's motion to refer the bill to a select committee, consisting of one member from each judicial circuit—the motion was lost.

Mr. Jones of G. moved to strike out the word "Covington," and insert "Monroe," in lieu thereof; which was carried.

Mr. Jones of G. moved to strike out "Conecuh," in section six, and insert "Clarke;" which was carried.

Mr. Smith of T. moved to amend by striking out "Walker," in section seven, and inserting "Marion," and, also, strike out "Marion," in the same section, and insert "Walker;" which was lost.

Mr. Campbell moved to amend by additional section as follows:

"That the special term heretofore provided to be holden in the city of

Mobile, for the trial of criminal cases, shall be held in the city of Mobile, as heretofore, by the Judge of the sixth judicial circuit, according to the act entitled an act to organize the tenth judicial circuit, and for other purposes, approved February fifth, eighteen hundred and forty, and all the powers conferred upon the Judge of the tenth judicial circuit by the said act shall be exercised by the Judge of the sixth circuit;" which was adopted.

Mr. Campbell moved further to amend the bill by additional section as follows:

"That the duties of the Solicitor of the sixth judicial circuit shall be performed by the Solicitor of the tenth judicial circuit for the unexpired term of the Solicitor of the said tenth circuit;" which was also adopted.

Mr. Henley moved to amend by additional section, as follows:

*And be it further enacted.* That the proper officers in the county of Marengo be, and they are hereby, authorized, in manner now provided by law, and as early as it may be done after the passage of this act, to draw and summon twenty-four duly qualified persons to serve as petit jurors for the third week of the term of said court, as provided in this bill;" which was adopted.

Mr. Martin moved to amend the ninth section, by striking out all of said section from the word "Macon." and inserting the following: "On the third Monday in March and September in each and every year, and continue two weeks; in the county of Russell on the second Monday after the third Mondays in March and September, and continue two weeks; in the county of Chambers on the fourth Monday after the third Mondays in March and September, and continue two weeks; in the county of Randolph on the sixth Monday after the third Mondays in March and September, in each year, and continue two weeks; in the county of Talladega on the eighth Monday after the third Mondays in March and September, and continue until the business is disposed of;" which was adopted.

Mr. Dear moved to amend by striking out the word "Covington," in the tenth line of the first section, and insert the word "Monroe," in lieu thereof; which was lost.

Mr. McClung moved to amend the thirteenth line of the fifth section, by inserting after the word "Mondays" the words in "March and September;" which was carried.

Mr. Martin moved to amend the fifth section, by striking out the words "two weeks," in the last line thereof, and insert "until all the business of said court shall be disposed of;" which was adopted.

Mr. Barron moved to postpone the consideration of the bill until tomorrow, at three o'clock, and make it the special order for that hour; which was lost.

Mr. Campbell moved to amend the sixth section, by striking out all of the sixth section after the words "to wit," in the fourth line, and inserting the following:

"To commence on the third Monday of March and September, of each year, in the county of Monroe, and to continue in session two weeks, to

commence in the county of Clarke, on the second Monday after the third Monday of March and September of each year, and to continue in session two weeks; to commence on the fourth Monday after the third Mondays in March and September of each year, in the county of Washington, and to continue in session one week; to commence in the county of Baldwin on the fifth Monday after the third Monday in March and September of each year, and to continue in session one week; to commence in the county of Mobile, on the sixth Monday after the third Monday of March and September of each year, and to continue in session until the business is disposed of."

The amendment was adopted.

Mr. Pettit moved to amend, by striking out all after the word "continue," in the seventh section, down to word "weeks," in the twenty-first line, and insert in lieu thereof the following:

"Three weeks for the county of Pike, on the fourth Monday in March, in each year, and continue one week. For the county of Coffee, on the first Monday after the fourth Monday of March, and continue one week. For the county of Dale, on the second Monday after the fourth Monday of March, in each year, and continue one week. For the county of Henry, on the third Monday after the fourth Monday of March, in each year, and continue one week. And for the county of Barbour, on the fourth Monday after the fourth Monday of March, in each year, and continue until the business is disposed of."

Which was adopted.

Mr. Pettit moved to amend by inserting after the word "Monday," in the sixth section, the word "September," which was carried.

Mr. Pettit moved to amend the sixth section, by striking out the words "until business is disposed of," and inserting in lieu thereof the words, "three weeks;" which was carried.

Mr. Campbell moved to amend the sixth section, by adding, after the word "weeks," the following:

"That the Solicitor of the eighth judicial circuit, shall not be required to reside in the said circuit, during the remainder of the time for which he was elected."

Which was adopted.—Yeas 77—nays 12.

YEAS—messrs. Speaker, Banks, Barclay, Barron, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy or L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Munday, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valiant, Ware, Watts, Whorton, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Bishop, Crowder, McLemore, Mitchell, Pettit, Pickett, Pynes, Roby, Scott, Skipper and Winston of DeK.

Mr. Calhoun moved to suspend the forty-second rule; which was carried.

Mr. Cochran moved to amend by adding:

"And the solicitor of the ninth judicial circuit shall not be required to live within said circuit during the remainder of the term, for which he has been elected."

Mr. McLemore moved to lay the amendment on the table; which was lost.

The amendment was then adopted.

Mr. Martin moved to reconsider the vote on the adoption of the amendment offered by himself in lieu of the ninth section; which was carried.

Mr. Martin moved to amend the amendment offered by himself, by inserting in the ninth line, after the word "weeks," the following:

In the county of Talladega, on the sixth Monday after the third Mondays in March and September, in each and every year, and continue one week.

By striking out "six," after the word "Randolph," and inserting the word "seven," in lieu thereof.

By striking out the word "eight," after Talladega, and inserting the word "nine," in lieu thereof.

The amendment was adopted.

Mr. Barclay moved to amend the amendment, by striking out the words "until the business is disposed of," where they occur at the end of the amendment, and inserting the words "two weeks," in lieu thereof; which was carried.

The amendment, as amended, was then adopted.

Mr. McClung moved that the bill be ordered to be engrossed for a third reading, and that it be made the special order for three o'clock to-morrow; which was carried.

Mr. Martin then moved to adjourn until to-morrow morning, at half past nine o'clock; which was lost—Yeas 36, Nays 46.

YEAS—Messrs. Speaker, Barclay, Clay, Cochran, Cooper, Douglass, Earle, English, Gasque, Harris, Harrison, Hendrix, Henley, Hubbard, Jackson, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, Meriwether, Mitchell, Murphey, Norman, Oliver, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Storrs and Valliant.

NAYS—Messrs. Abernathy, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Crowder, Dear, Dunklin, Erwin, Findley, Fletcher, Gamble, Garland, Gresham, Griffin, Henderson, Hill, Hodges, Lankford, Marchbanks, McClung, McLemore, Miree, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norris, Pettit, Pynes, Scott, Smith of L. Smith of P. Ware, Watts, Whorton, Williams of J. Winston of DeK. Witherspoon and Woodward.

The House then adjourned until seven o'clock, P. M.



## NIGHT SESSION, January 23, 1843.

The House met pursuant to adjournment.

Mr. Calhoun moved to suspend the special orders of the day ; which was carried.

Mr. Calhoun moved to suspend the twenty-seventh rule ; which was carried.

The House then proceeded to the consideration of the special orders of the day, on their second reading.

The bill for the relief of Sarah Switzer and Sarah P. Atkins, was read the second time, and ordered to be engrossed for a third reading.

The joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes, were read the second time, and ordered to be engrossed.

The bill to change the time of holding the general elections in this State, was read the second time.

Mr. Calhoun moved to refer the bill to the committee on privileges and elections.

Mr. Martin moved to postpone the bill indefinitely ; which was carried.

The bill in relation to justices' courts in Marshall county was read the second time, and Mr. Calhoun moved to refer the bill to the committee on the judiciary ; which was carried.

The bill for the relief of Jane Dess, was read the second time, and ordered to be engrossed for a third reading.

The bill to divorce Jane Hardin, from her husband, John B. Hardin, was read the second time, and Mr. English moved to suspend the rule, to give this bill a third reading forthwith ; which was carried.

The bill was then read the third time and passed.

The bill extending to the county of Jackson, the provisions of certain acts therein named, was read the second time, and ordered to be engrossed for a third reading.

The bill to reduce the number of company musters required to be holden per annum, and to prescribe the time of holding company courts martial, was read the second time, and on motion of Mr. Norris, was referred to the committee on the military.

The bill to authorize T. A. Tate to hold the office of circuit and county clerk of Russell county, at the same time, was read the second time, and on motion of Mr. Harris, referred to the judiciary committee.

The bill to amend the laws in relation to insolvent estates, was read the second time, and on motion of Mr. Barron, referred to the judiciary committee.

The joint resolutions in relation to sixteenth section, township twenty, range eighteen, was read the second time, and Mr. Kendrick moved to suspend the rule, in order to give the joint resolutions their third reading forthwith ; which was carried.

The joint resolutions were then read the third time and passed.

The bill to change the line between the counties of Talladega and Benton was read the second time, and Mr. Martin moved to postpone the bill indefinitely ; which was carried.

The bill to appropriate to Thomas Bruce his expenses, was read the second time, and on motion of Mr. Calhoun, referred to the committee on propositions and grievances.

Mr. Marchbanks notified the House that he would move to reconsider the vote postponing indefinitely the bill changing the line between the counties of Talladega and Benton.

The bill to extend the time for collecting the county, school, and road tax in the county of Mobile, and for other purposes, was read the second time, and on motion of Mr. Erwin, laid on the table.

The bill fixing the time of holding justices' courts in the county of Shelby, and to establish jury trials in said courts, was read the second time, rule suspended, read the third time, and passed.

The bill to divorce Jane S. Wheeler, from her husband, Charles J. Wheeler, was read second time, rule suspended, read third time, and passed.

The bill to abolish a certain precinct therein named, was read the second time, and referred to the committee on privileges and elections.

The bill to regulate the assessing and collecting of taxes in Franklin county, was read the second time, and ordered to be engrossed for a third reading.

The bill to divorce Benjamin Gleadall, from his wife, Eliza Gleadall, was read the second time, and ordered to be engrossed for a third reading.

The bill to establish an election precinct in Barbour county, was read the second time, and referred to the committee on privileges and elections.

The bill to incorporate the Columbia Male and Female Institute, in Henry county, was read the second time, and on motion of Mr. Pynes, referred to the committee on education.

The bill to prevent the sacrifice of property, either real or personal, under sale by execution, was read the second time, and referred to the judiciary committee.

The bill to fix the rate of interest, was read the second time, and referred to the judiciary committee.

The bill to prevent usury, and for other purposes, was read the second time, and referred to the committee on the judiciary.

The bill to compel the Banks in this State to commence suits against their debtors in the county in which the debtor resides, was read the second time, and referred to the committee on the State Bank and Branches.

The bill to divorce Job. H. Scruggs, from his wife Virginia Scruggs, was read the second time, rule suspended, read a third time forthwith, and passed.

The bill to divorce Harriet Spriggs, from her husband Erastus L. Spriggs, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill for the relief of certain persons therein named, was read the second time.

On motion of Mr. Calhoun, it was laid on the table.

The bill to amend an act, entitled an act to incorporate the town of Warrenton, in Marshall county, was read the second time, and ordered to be engrossed for a third reading.

The bill to authorize the commissioners' court of roads and revenue in Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named, was read the second time, rule suspended, read a third time forthwith, and passed.

The bill to provide more effectually for the correction of errors in trials at law, was read the second time.

On motion of Mr. Douglass, it was referred to the judiciary committee.

The bill to divorce certain persons therein named, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill to divorce Caroline Ritchie, from her husband Anthony Ritchie, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill to authorize the commissioners of the sixteenth section, in township seven, range two, east, in the St. Stephen's land district, to rescind a contract therein described, was read the second time, rule suspended, read the third time forthwith.

Mr. Hubbard moved to amend by way of engrossed ryder, as follows:

*Provided*, that no part of the purchase money shall be returned to the first purchaser, their executors, administrators, heirs or assigns.

Which was adopted, and the bill passed.

The bill to extend the time for the removal of certain slaves emancipated by a decree of the county court of Clarke county, was read the second time.

Mr. Calhoun moved to postpone the bill indefinitely; which was lost.

The bill was then ordered to be engrossed for a third reading—yeas 44, nays 34:

YEAS—messrs. Abernathy, Banks, Bridges, Caffey, Cain, Campbell, Cooper, Crowder, Dortch, Dubose, English, Erwin, Garland, Gresham, Harrison, Henderson, Hendrix, Jackson, Kennedy of L. Kidd, Marchbanks, Martin, McCoy, McLemore, Moore of M. Moore of P. Morgan of C. Morrison, Murphey, Norris, Oliver, Pettit, Porter, Rice, Richeson, Skipper, Smith of P. Storrs, Walker, Ware, Watts, Whorton, Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Barclay, Barron, Bishop, Calhoun, Clay, Douglass, Dunklin, Findley, Fletcher, Fowler, Gamble, Griffin, Hill, Hodges, Hubbard, Jones of C. Jones of G. Kendrick, Kennedy of M. McClung, Meriwether, Morgan of A. Morris, Mundy, Pickett, Pynes, Robinson, Roby, Scott, Tate, Valliant, Williams of J. and Witherspoon.

The bill for the support of paupers in Walker county, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill to regulate the sessions of the circuit courts of Pickens, Fayette and Walker counties, was read the second time, and ordered to be engrossed for a third reading.

The bill from the Senate, amendatory of an act therein named, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to establish a tobacco inspection in the city of Wetumpka, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to extend the provisions of an act, approved, December thirty-first, eighteen hundred and forty-one, entitled an act to establish jury trials in justices' courts, in certain counties in this State, and to regulate the proceedings therein, to the counties of Butler and Pike, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to revive an act entitled, an act to incorporate the town of Fairfield, in Pickens county, was read the second time—rule suspended, read a third time forthwith, and passed.

The bill regulating the appointment of a brigade drill officer in each brigade, was read a second time.

On motion of Mr. Calhoun, the bill was referred to the military committee.

The bill supplementary to an act approved February fifth, one thousand eight hundred and forty, was read the second time.

On motion of Mr. Douglass, it was referred to the committee on the judiciary.

The bill to exempt certain property therein named from execution, in the county of Henry; was read the second time.

Mr. Calhoun moved to amend, by striking out the word "Henry" where it occurs in the bill, and inserting the words "the several counties of this State;" which was carried.

The bill was then ordered to be engrossed for a third reading.

The bill in relation to the records of Henry county, was read the second time—rule suspended, read the third time, and passed.

The bill to be entitled an act to create a certain county therein named, and for other purposes, was read the second time—rule suspended, read the third time, and passed.

The caption of the bill was amended, by inserting the words "to amend" after the word "act."

The bill the better securing of fines and forfeitures in this State, was read the second time, and referred to the committee on the judiciary.

The bill for the relief of certain persons therein named, was read the second time, and on motion of Mr. Campbell, laid on the table.

The bill to abolish brigade encampments and drills in a certain brigade therein named, was read the second time, and on motion of Mr. Banks, was laid on the table.

The bill to prevent the alternation of the judges of the circuit courts, was read the second time, and on motion of Mr. Calhoun, referred to the judiciary committee.

The bill to authorize Henry Potter to erect a gate on his land, over which runs the Saunders ferry road, was read the second time, and ordered to be engrossed for a third reading.

The bill to repeal an act therein named, was read the second time, and ordered to be engrossed for a third reading.

The joint resolutions in relation to a certain sixteenth section therein

named, was read the second time—rule suspended, read the third time forthwith, and passed.

And then the House adjourned until half past nine o'clock, to-morrow morning.

TUESDAY, January 24, 1843.

The House met pursuant to adjournment.

Ordered, that Mr. Miree have leave of absence until Monday next.

Mr. Barclay moved to suspend the rule requiring the call of counties, for the purpose of taking up the joint resolutions to remove the seat of government; which was lost.—Yeas 44, nays 46.

YEAS—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Calhoun, Cochran, Cooper, Crowder, Dear, Dunklin, Fletcher, Gamble, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kidd, Lankford, Martin, McCoy, McLemore, Mitchell, Morgan of A. Morgan of C. Morrisett, Murphey, Norris, Oliver, Pettit, Pynes, Skipper, Ware, Watts, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Banks, Barron, Cain, Campbell, Clay, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fowler, Garland, Hill, Hubbard, Jones of G. Kennedy of L. Kennedy of M. Marchbanks, McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Morrison, Mundy, Norman, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Whorton, and Woodward.

Mr. Calhoun moved to suspend the rule requiring the call of counties; which was carried.

Mr. McClung, from the judiciary committee, to whom was referred a bill from the Senate, to incorporate the Warrior Manufacturing Company,—reported the bill back to the House, without amendment, and recommended its passage.

Mr. Rice moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time.

Mr. McClung moved to amend, by way of engrossed ryder, as follows:

*And be it further enacted*, That nothing in this act shall operate to authorize the erection of any mill, buildings or appurtenances, which shall obstruct the navigation of the Black Warrior river.

The amendment was adopted, and the bill passed.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House, for the relief of Joseph Surry and others:

And also, the bill relative to the change of venue in certain counties therein named.

The Senate has also passed bills of the following titles—

A bill to regulate suits against the Bank of the State of Alabama, and any of the Branches thereof:

A bill to authorize Alexander White, administrator, and Sarah White,

administratrix, of John White, deceased, to dispose of so much of the real estate of which the said John White, died seized, as shall be sufficient to discharge the debts of said estate:

A bill amendatory of the laws in relation to deceased persons:

A bill changing the direction of tax fees on suits at the instance of the Banks of this State:

A bill to form an additional regiment in the county of Blount, and for other purposes:

A bill to form an additional regiment in the counties of Tuscaloosa and Coffee:

A bill amendatory of the laws on the subject of divorces:

Joint resolutions in relation to the manufacture of cotton bagging and rope in the Alabama Penitentiary.

A bill to incorporate the town of Van Buren, in De Kalb county:

And also, a bill to amend the charter of the Montgomery Rail Road Company, and for other purposes.

Mr. McClung, from the judiciary committee, to whom was referred the petition of sundry citizens of Walker county, praying that the number of jurors of said county be reduced, reported a bill concerning juries for the county of Walker; which was read the first time.

Mr. McClung moved to suspend the rule with a view of giving bill its second reading forthwith; which was carried.

The bill was then read the second time.

Mr. Kennedy of M. moved to amend by additional section, as follows:

*And be it further enacted*, That the provisions of this act shall also, extend to and regulate the drawing and summoning of jurors for the county of Marion.

Which was adopted.

The rule was further suspended—the bill was read the third time, and passed

The caption was also amended so as to read “for the counties of Walker and Marion,” in place of “for Walker county.”

Mr. Campbell, from the committee on the State Bank and Branches, to whom was referred a bill from the Senate, to pay certain contracts for teaching common schools, reported the bill back to the House with the following amendments:

By striking out the words “not placed in a state of liquidation,” where they occur in the first section; which was adopted.

By striking out the second and third sections, and inserting the following:

That the commissioners, or in case there is but one, the commissioner of the several townships aforesaid, shall certify to the Bank, at which the application is made, the facts hereafter stated, to wit:

The names of the scholars sent to school in the township; the length of time each scholar continued at school; the value of the sixteenth section in the township, and the benefit derived therefrom by the inhabitants, in support of schools; and that the inhabitants have, in good faith, subscribed and paid a sum equal to one-third the sum applied for,

in the support of the school in the township, for which application is made; which certificate shall be accompanied by the affidavit of the commissioners or commissioner, that the facts stated, are true, as stated therein.

And in addition to the certificates aforesaid, the teacher or teachers employed, shall make oath that the scholars mentioned in said certificate were sent to the school, and received instruction for the time; and at the duties specified in said certificate, and that the money subscribed by the people of the township, has been, actually and in good faith, paid to him or them, and that the amount applied for, is necessary for the fulfilment of the engagement made with the said teacher or teachers, and that there is no agreement to abate or refund any portion of the same; or, if the money has been paid to the said teacher or teachers, by the inhabitants of the township, that fact may be stated in place of the fact, that the amount is necessary to the fulfilment of the engagements made with the said teacher or teachers: *Provided*, if the teacher or teachers have been fully paid, and have removed from the county, the affidavits of the inhabitants of the township may be received in place of that required of the teacher or teachers.

That no payment shall be made under this act until after the first day of June next, and all applications shall be filed by the first day of May next, and none shall be received after that day: and it shall be the duty of the President and Directors of the several Banks to communicate to each other, all the payments that have heretofore been made, and all the applications which shall be made under this act before the first day of June next; and when an application is made at more Banks than one, no payment shall be made until it shall be agreed among the Banks by which the claim shall be allowed and paid.

That neither of the Banks which have exhausted the appropriation in payment, on claims heretofore made, shall be subject to any further claims under this act.

That the certificates required required by the seventh section of the act aforesaid, shall be obtained as heretofore, upon all claims under this act.

That the attorneys of the several Banks shall prepare forms of proceeding under this act, within twenty days from its passage, which shall be published in some paper published near the Bank for four weeks.

A division of the question was called for, which was first taken on the motion to strike out the second and third sections, and carried—yeas 54, nays 29.

YEAS—messrs. Speaker, Banks, Barron, Bishop, Bridges, Cain, Calhoun, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Gamble, Garland, Griffin, Harris, Harrison, Hill, Hodges, Jones of Covington, Jones of G. Kendrick, McClung, McCoy, McLemore, McMillion, Meriwether, Moore of M. Moore of P. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Robinson, Skipper, Smith of P. Tate, Ware, Williams of J. Witherspoon, and Woodward.

NAYS—messrs. Abernathy, Barclay, Cooper, Fletcher, Fowler,

Hendrix, Hubbard, Jackson, Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, Mitchell, Morgan of C. Morris, Morrison, Murphey, Rice, Roby, Scott, Smith of L. Storrs, Turner, Valliant, Walker, Watts, Whorton, and Winston of DeK.

The amendments were then adopted.

Mr. Campbell moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Martin moved to suspend the special order with a view of taking up the bill to regulate the Branch Bank at Huntsville; which was carried.

The House then proceeded to the consideration of the bill to regulate the Branch Bank at Huntsville.

Mr. Martin moved to fill the first blank with the words "twelve hundred and fifty."

Mr. Rice moved to fill the said blank with the words "thirteen hundred;" which was lost.

The question was then taken on the motion of Mr. Martin, to fill the blank with the words "twelve hundred and fifty;" which was carried.

Mr. Martin moved to fill the second blank with the word "two;" which was carried.

Mr. Martin moved to fill the third blank with the words "fifteen hundred;" which was carried.

Mr. Findley moved to postpone the further consideration of the bill until Monday next, and make it the special order for twelve o'clock of that day; which was lost. Yeas 38—nays 49.

YEAS—messrs Speaker, Abernathy, Banks, Bishop, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Findley, Fletcher, Fowler, Gasque, Griffin, Henderson, Hill, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Moore of M. Moore of P. Morrison, Mundy, Porter, Robinson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. and Witherspoon.

NAYS—messrs Calley, Cain, Cochran, Cooper, Crowder, Dortch, Dunklin, Dunn, Earle, English, Erwin, Gamble, Garland, Gresham, Harris, Harrison, Hodges, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLe-more, Mitchell, Morgan of C. Morris, Morrisett, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts, Winston of DeK. and Woodward.

Mr. Erwin moved to fill the third blank in the seventh section with the word "ten;" which was carried.

Mr. McClung moved a call of the House; which was lost. Yeas 13—nays 49.

YEAS—messrs Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Cooper, Douglass, Dubose, Findley, Fletcher, Gasque, Griffin, Henderson, Hill, Jones of Conecuh, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Morrison, Mundy, Porter, Robinson, Scott,



Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. Witherspoon and Woodward.

**NAYS**—messrs. Barron, Caffey, Cain, Cochran, Cooper, Dortch, Dunklin, Dunn, Earle, English, Erwin, Fowler, Gamble, Garland, Gresham, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of G. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, MeLemore, Mitchell, Morgan of A. Morgan of C. Morrisett, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts and Winston of DeK.

So the motion was lost.

And then the House adjourned until three o'clock, p. m.

#### AFTERNOON SESSION, January 24th, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville.

The question was on the passage of the bill, and the afternoon being devoted to the consideration of the bill, Mr. Norris moved that the House do now adjourn until half past six o'clock, p. m.; which was lost.

Mr. Rice moved that the House do now adjourn until to-morrow morning at half past nine o'clock; which was carried. Yeas 53—nays 32.

**YEAS**—messrs. Banks, Bridges, Campbell, Clay, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunn, Findley, Fletcher, Fowler, Gamble, Gasque, Griffin, Harrison, Hendrix, Hodges, Jones of Cov. Jones of G. Kennedy of L. Kidd, Lankford, McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Mundy, Murphey, Norman, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

**NAYS**—messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Earle, English, Erwin, Garland, Gresham, Harris, Henderson, Hill, Hubbard, Jackson, Jones of Conecuh, Kendrick, Marchbanks, Martin, McCoy, MeLemore, Morgan of C. Morrisett, Morrison, Norris, Pettit, Pickett, Ware, Watts and Witherspoon.

So the House adjourned until to-morrow morning, at half past nine o'clock.

#### WEDNESDAY, January 25, 1843.

The House met pursuant to adjournment.

Mr. Winston of DeK. moved to suspend the rule requiring a call of the counties; which was carried.

Mr. Cochran, from the committee on education, to whom was referred a bill to authorize an investment of the school fund of township four, range three, in the county of Limestone, reported the bill back to the House, without amendment, and recommended its passage.

Mr. Cochran moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Cochran, from the same committee, to whom was referred a bill to incorporate the Columbia Male and Female Institute, in the county of Henry, reported the bill back to the House, without amendment, and recommended its passage.

Mr. Cochran moved to suspend the rule with a view of giving this bill a third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Garland, from the committee on divorce and alimony, to which was referred the petition of Charles Stone, reported a bill for the relief of Charles Stone and his wife, Mary Stone, which was read the first time, and Mr. Gresham moved to suspend the rule with a view of giving this bill its second reading forthwith; which was carried.

The bill was then read the second time.

Mr. Gresham moved a further suspension of the rule, in order to give this bill a third reading, forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Scott, from the committee on enrolled bills, reported, that they had examined, and find correctly enrolled the following bills:

A bill authorizing Thomas M. Cowles to take out letters of administration in the county of Montgomery:

Also, an act to incorporate the town of Goldville, in Tallapoosa county.

Mr. Storrs, from the same, committee, reported that they had examined, and find correctly enrolled: An act to regulate the Branch of the Bank of the State of Alabama at Montgomery:

Mr. Moore of M. from the committee on propositions and grievances, to which was referred a bill for the relief of B. M. Bradford and Jack Shackelford, reported the same back to the House, and asked to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Walker then moved to refer the bill to the committee on accounts; which was lost.

Mr. Kennedy of L. then moved its reference to the select committee, on the memorial relating to the Tennessee canal; which was carried.

Mr. Moore of M. from the same committee, to which was referred a bill for the relief of the purchasers of the sixteenth section, in township seventeen, range two, east, in the county of Marengo, reported the same back to the House, and recommended its passage, with the following amendment:

To insert after the word "date," in the twelfth line, the words "with interest thereon at the rate of six per cent. per annum, from the date thereof until paid."

The amendment was adopted.

Mr. Moore of M. moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

Mr. Moore of M. from the same committee to whom was referred the account of John D. Caldwell, reported, that the account is a county charge, and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Moore of *m.* from the same committee to which was referred the petition of sundry citizens of De Kalb county, reported, that the subject will be embraced in the general revenue bill now before the House, and asked to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

The House then proceeded to the consideration of the bill in relation to school funds arising from sixteenth sections in certain counties therein named.

The question was on the motion of Mr. Campbell, to postpone the bill indefinitely.

The hour of twelve o'clock having arrived, Mr. Mundy moved to suspend the special order to proceed with the bill under consideration; which was lost.

The House then proceeded to the consideration of the bill to regulate the Branch of the Bank of the State of Alabama, at Huntsville, that being the special order, and being on its passage.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill to enable Thomas S. Tate to remove an estate.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill from the House to repeal in part an act entitled an act to attach a part of Benton to Talladega county, and for other purposes, approved December twenty-third, one thousand eight hundred and thirty-six.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 25th, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bill to regulate the Branch of the Bank of the State of Alabama at Huntsville.

Mr. Moore of P. moved to postpone the further consideration of the bill until Monday next, and make it the special order for twelve o'clock, of that day; which was carried—yeas 49, nays 45.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Douglass, Dubose, Findley, Fletcher, Fowler, Gamble, Gasque, Griffin, Harrison, Henderson, Hendrix, Hill, Jones of Covington, Kendrick, Kennedy of L. Laukford, McClung, McMillion, Meriwether, Moore of *m.* Moore of P. Morgan of A. Morris, Morrison, Mundy, Norman, Porter, Robinson, Scott, Smith of L. Smith of P. Smith of T. Tate, Turner, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

NAYS—messrs. Barron, Caffey, Cain, Cochran, Cooper, Crowder, Dear, Dortch, Dunklin, Dunn, Earle English, Erwin, Garland, Gresham, Harris, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of *m.* Kidd, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts and Witherspoon.

Mr. Kidd then moved to adjourn until half past nine o'clock, to-morrow morning; which was lost—yeas 45, nays 45.

YEAS—messrs. Banks, Clay, Cochran, Cooper, Crowder, Dortch Douglass, Dubose, Dunn, Earle, Fletcher, Gamble, Harris, Harrison, Hendrix, Hubbard, Jackson, Jones of Conecuh, Jones of Covington, Jones of G. Kennedy of L. Kennedy of M. Kidd, Lankford, Martin, McCoy, McMillion, Mitchell, Moore of M. Murphey, Norman, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of P. Storrs, Turner, Valliant, Walker, Williams of P. and Woodward.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Dear, Dunklin, Erwin, Findley, Fowler, Garland, Gasque, Gresham, Henderson, Hill, Hodges, Marchbanks, McClung, McLemore, Meriwether, Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norris, Oliver, Pickett, Pynes, Skipper, Smith of L. Ware, Watts, Whorton, Williams of J. and Witherspoon.

Mr. Dortch moved to adjourn until nine o'clock, to-morrow morning; which was lost—yeas 22, nays 46.

YEAS—messrs. Dortch, Douglass, Fletcher, Gasque, Harrison, Hubbard, Kennedy of L. Kidd, McCoy, Moore of M. Murphey, Porter, Richeson, Robinson, Roby, Smith of P. Storrs, Turner, Valliant, Walker, Williams of P. and Woodward.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Dubose, Dunklin, English, Erwin, Findley, Fowler, Gamble, Gresham, Griffin, Henderson, Hendrix, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Marchbanks, McClung, McLemore, Meriwether, Moore of P. Morgan of C. Morris, Morrisett, Mundy, Norman, Norris, Oliver, Pickett, Pynes, Rice, Scott, Skipper, Ware, Watts, Whorton and Witherspoon.

Mr. McClung then moved to adjourn until seven o'clock, to night; which was carried—yeas 48, nays 16.

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Campbell, Dubose, Dunklin, English, Erwin, Findley, Fowler, Gamble, Gresham, Griffin, Henderson, Hill, Hodges, Jackson, Jones of Conecuh, Jones of Cov. Lankford, Marchbanks, McClung, Meriwether, Moore of M. Moore of P. Morgan of C. Mundy, Norris, Oliver, Pickett, Porter, Pynes, Rice, Richeson, Scott, Skipper, Storrs, Valliant, Ware, Watts, Whorton, Witherspoon and Woodward.

NAYS—messrs. Dortch, Douglass, Fletcher, Gasque, Harrison, Hendrix, Kennedy of L. Kidd, McCoy, McLemore, Murphey, Norman, Robinson, Roby, Smith of P. and Walker.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—The Governor has approved a bill which originated in the House, to regulate the Branch of the Bank of the State of Alabama at Montgomery.

And then the House adjourned until seven o'clock, p. m.

## NIGHT SESSION, January 25th, 1843.

The House met pursuant to adjournment.

Mr. Calhoun moved to suspend the special orders; which was carried.

Mr. Calhoun then moved that the House take up the bills on their second reading; which was carried.

The bill to repeal an act entitled an act to prevent frauds in elections, was read the second time and referred to the committee on privileges and elections.

The joint resolutions proposing a change in the constitution of Alabama, so as to legalize biennial sessions of the legislature, and reduce the number of members thereof, was read the second time and referred to the judiciary committee.

The bill for the benefit of sixteenth section, township sixteen, range twelve, in Dallas county, was read the second time.

Mr. Campbell moved to amend by adding to the end of the first section the following proviso: *Provided*, That the principal sum deposited with the Bank shall not be diminished by the appropriation under this act.

The amendment was adopted.

Mr. Norris moved to suspend the rule with a view of giving this bill its third reading forthwith; which was carried.

The bill was then read the third time and passed.

The bill for the relief of sundry citizens of Walker county, was read the second time, rule suspended, and read the third time and passed.

The bill to abolish certain election precincts therein named and to establish others in lieu thereof, was read the second time.

Mr. Jones of C. moved to amend by additional section, as follows:

*And be it further enacted*, That the election precinct at the house of B. Cauley, in the county of Covington, be and the same is hereby abolished, and that in lieu thereof one be established at the House of Jesse Bryan, in said county.

Which was adopted.

Mr. Earle moved to amend as follows:

"That the precinct heretofore established at Powell's and Dabney Cooper's, in Jefferson, be and the same is hereby abolished, and that one be established at Thomas Barton's.

Mr. Griffin moved to refer the bill to the committee on privileges and elections; which was carried.

The bill to change the name of a certain person therein named, and for other purposes, was read the second time and ordered to be engrossed for a third reading.

The bill regulating the proof to be required to sustain an action at law in certain cases, was read the second time and referred to the committee on the judiciary.

The bill to amend the law for the collection of taxes in the county of Autauga, was read the second time and referred to the committee on ways and means.

The bill for the relief of Robert Martin, was read the second time and referred to the judiciary committee.

The bill for the relief of John A. Hurst and Jordan Thornton, was read the second time and ordered to be engrossed for a third reading.

The bill to amend an act entitled an act to incorporate the Oak Bowery Male and Female Academy, was read the second time, rule suspended, read the third time forthwith and passed.

The bill giving justices of the peace jurisdiction of assaults and batteries, and affrays, was read the second time and referred to the committee on the judiciary.

The bill respecting roads in the county of Fayette, was read the second time, rule suspended, read third time and passed.

The bill to alter the laws now in force relating to a change of venue, was read a second time and referred to the judiciary committee.

The bill to compensate the commissioners of roads and revenue in Marion county, was read the second time.

Mr. Kennedy of M. moved to amend by striking out the words "fifty cents," where they occur in said bill; which was adopted.

The rule was then suspended, the bill read the third time and passed.

The bill for the relief of J. Henri Hottinguer, was read the second time, and, on motion of Mr. Campbell, referred to a select committee, composed of the delegation from Mobile county.

The bill to incorporate the Warrior Manufacturing Company, was read the second time, and, on motion of Mr. Porter, laid on the table.

The bill to compensate Adam Zimmerman, for two slaves executed in pursuance of law, was read the second time, rule suspended, read the third time and passed.

The bill to amend an act to abolish imprisonment for debt, was read the second time and referred to the judiciary committee.

The bill to alter and amend the road law as to the county of Marion, was read the second time.

Mr. Ware moved to amend by inserting the word "male," before "slaves;" which was adopted.

The rule was then suspended, the bill received its third reading and passed.

The bill authorizing Samuel P. Jones to draw a certain sum of money therein mentioned, was read the second time, rule suspended, read the third time and passed.

The bill to limit the commencement of actions was read the second time and referred to the judiciary committee.

The bill for the relief of Julia S. Sample, of Autauga county, was read the second time, and referred to a select committee, composed of the delegation from Autauga and Coosa.

The bill for the relief of the legal representatives of John Scott, sr., deceased, was read the second time, rule suspended, read third time, and passed.

The bill to extend the jurisdiction of county courts, in certain cases, was read the second time, and referred to the committee on the judiciary.

The bill the more effectually to prevent the Bank of the State of Alabama, and its several Branches, from violating existing laws in certain cases, was read the second time, and referred to the committee on the State Bank and its Branches.

The bill concerning suits by non-residents, was read the second time, and referred to the judiciary committee.

The bill concerning coroners, was read the second time, and referred to the judiciary committee.

The bill to change the name of certain persons therein named, was read the second time, and on motion of Mr. McClung, laid on the table.

The bill to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county, and also at Greensborough, in Greene county, approved December thirty-first, eighteen hundred and forty-one, was read the second time, rule suspended, read third time forthwith, and passed.

The bill the more effectually to prevent judges of the county courts from appearing as counsel in certain cases, was read the second time, and referred to the committee on the judiciary.

The bill to incorporate the Montgomery Hook and Ladder Company, was read the second time, rule suspended, read third time, and passed.

The bill to authorize Isaac Holmes and his associates, to turnpike a road, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill to extend the limitation of prosecutions in the county of Montgomery, was read the second time, and referred to the judiciary committee.

The bill to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a contract therein described, was read the second time, rule suspended, read third time, and passed.

The bill to authorize Richard Greene, of Marengo county, to change the guardianship of his ward, Seaborn J. Butler, was read second time, rule suspended, read third time, and passed.

The bill to regulate the practice in the chancery courts of this State, in certain cases, was read the second time, and referred to the judiciary committee.

The joint resolution to amend the constitution, so as to have biennial sessions of the General Assembly, was read the second time:

Mr. Smith of P. moved to amend by substitute.

Mr. Norris moved to refer the joint resolution and amendment to the judiciary committee; which was carried.

The bill to legalize the acts of Thomas M. King, Noel B. Warren and James P. Poston, commissioners of the sixteenth section, township four, range five, in Jackson county, was read the second time and referred to the committee on the judiciary.

The bill relative to Creek Indian reservations, in this State, was read the second time, and referred to the committee on ways and means.

The bill to compensate Robert Fenner, and certain others, for services therein specified, was read the second time.

Mr. Norris moved to strike out so much of the bill as relates to Robert Fenner and Thomas B. Jones.

And then the House adjourned until to-morrow morning, half past nine o'clock.

THURSDAY, January 26, 1843.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from J. C. Van Dyke, transmitting the accounts of Hogan & Lyon and Thomas Fitzsimmons; which were referred to the committee on accounts.

Mr. Speaker also laid before the House another communication from the same, transmitting the account of George W. Irvin; which was referred to the committee on accounts.

Mr. Hill presented the account of J. S. Kennedy; which was referred to the committee on accounts.

Mr. Fowler presented the petition of William McDaniel and others:

Also, the petition of Thomas Shearer and others; which were referred to the committee on roads, bridges and ferries.

Mr. Williams of J. introduced a bill concerning executions, and for other purposes; which was read the first time, and Mr. Mundy moved to suspend the rule, with a view of giving this bill a second reading forthwith; which was carried.

The bill was then read the second time; and Mr. Smith of L. moved to postpone the bill indefinitely.

Mr. Williams of J. moved to postpone until Wednesday next, and to make it the special order for twelve o'clock, of that day; which was carried—Yeas 47, Nays 41.

YEAS—messrs. Barclay, Bishop, Bridges, Cain, Campbell, Cooper, Findley, Fletcher, Fowler, Gamble, Garland, Griffin, Henderson, Hendrix, Hubbard, Jones of Conecuh, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McLemore, McMillion, Meriwether, Moore of P. Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Porter, Pynes, Rice, Richeson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Caffey, Calhoun, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, Earle, Erwin, Gasque, Gresham, Harris, Harrison, Hill, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. McCoy, Mitchell, Morgan of A. Morrisett, Norris, Oliver, Pettit, Pickett, Robinson, Smith of L. Tate, Valliant, Ware, Watts, Williams of P. and Witherspoon.

Mr. Erwin introduced joint resolutions in relation to the salt wells and salt springs belonging to the State of Alabama; which were read the first time.

Mr. Erwin moved to suspend the rule, with a view of giving the joint resolutions the second reading forthwith; which was carried.

The joint resolutions were then read the second time.

Mr. Erwin moved their reference to the committee of ways and means; which was carried.



Mr. Morrisett introduced a bill for the relief of Ann Chambers, which was read the first time.

Mr. Morrisett moved to suspend the rule, in order to give this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Ware introduced a bill regulating the issuing of patents for sixteenth section lands; which was read the first time.

Mr. Ware moved to suspend the rule, in order to give this bill a second reading forthwith; which was carried.

The bill was then read the second time, and referred to the committee on the judiciary.

Mr. Moore of P. introduced a bill to amend the patroll law; which was read the first time.

Mr. Moore of P. moved to suspend the rule, to give the bill a second reading; which was carried.

The bill was then read the second time, and ordered to be engrossed for a third reading.

Mr. Williams of P. presented the petition of William Williams and others; which was referred to a select committee—composed of the delegation from Pickens.

Mr. Bishop introduced a bill to prevent the sacrifice of property of defendants in execution, in certain cases; which was read the first time.

Mr. Mundy moved to suspend the rule, to give this bill a second reading; which was lost.

The bill was then ordered to a second reading.

Mr. Woodward, from the committee on roads, bridges, and ferries, to whom was referred an engrossed bill from the Senate, to establish a certain road therein named,—reported the bill back to the House, and recommended its passage.

The bill was then ordered to a third reading.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed joint resolutions, authorizing the Branch Banks at Mobile and Decatur to pay out their own issues in aid of valueless sixteenth sections, for the year one thousand eight hundred and forty-two.

Mr. McClung, from the judiciary committee, to which was referred a bill to provide the more effectually for correction of errors in trials at law,—reported, that it is inexpedient to pass said bill.

Mr. McClung moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to which was referred a bill to authorize the same individual to hold the office of clerk of the circuit and county courts in Russell county,—reported that there is no constitutional incompatibility between said offices, and that it is unnecessary to legislate on the subject.

Mr. McClung moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to which was referred the bill

for the better securing the payment of fines and forfeitures in this State,—reported the bill back to the House, and recommended its passage.

The bill was then read the second time, and ordered to be engrossed for a third reading.

Mr. McClung, from the same committee, to which was referred a bill relative to justices' courts in the county of Marshall,—reported the bill back to the House, with the following amendments: Strike out all after the enacting clause, and insert in lieu thereof, the following—

That the provisions of an act relative to justices' courts, and for other purposes, in certain counties therein named, passed February fifth, one thousand eight hundred and forty, shall apply to the county of Marshall,—except as to the times of holding said courts, which shall be either on the first, second, third, or fourth Saturdays in March next, as the justices may agree among themselves, and monthly thereafter; and on failure to agree on the time, the said courts shall be held on the first Saturday in March next, and monthly thereafter.

The amendments of the committee were concurred in.

Mr. Fletcher moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time, and passed.

Mr. McClung, from the same committee, to whom was referred a bill supplementary to an act, approved, February fifth, eighteen hundred and forty, reported that it is inexpedient to pass said bill.

On motion of Mr. Clung, the report and bill were laid on the table.

Mr. McClung, from the same committee, to which was referred a bill to fix the rate of interest, reported that it is inexpedient at this time, to reduce the rate of interest, now established by law, and that the said bill ought not to pass.

Mr. McClung, moved to lay the bill on the table; which was lost—Yeas 34, nays 40.

YEAS—messrs. Speaker, Abernathy, Bothwell, Bridges, Cain, Cochran, Cooper, Dear, Douglass, Dubose, Dunklin, Earle, Gamble, Gasque, Hodges, Jackson, Jones of G. Kendrick, Lankford, McClung, McLemore, Morris, Morrisett, Mundy, Murphey, Norris, Oliver, Pynes, Smith of L. Smith of P. Smith of T. Turner, Watts and Witherspoon.

NAYS—messrs. Barclay, Barron, Bishop, Caffey, Calhoun, Campbell, Crowder, Dortch, English, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Jones of C. Kennedy of L. Kidd, Marchbanks, McCoy, McMillion, Meriwether, Mitchell, Morgan of A. Morrison, Norman, Pettit, Pickett, Porter, Rice, Richardson, Robinson, Roby, Scott, Skipper, Storrs, Tate, Valliant, Walker, Ware, Whorton, Williams of J. Winston of DeK. and Woodward.

The bill was considered engrossed and read the third time.

Mr. McClung, moved to suspend the further consideration of the bill, until Monday next; which was carried.

A message from the Senate by Mr. Scales:

Mr. Speaker—The Senate has adopted the following resolution:

*Resolved*, That the two Houses will assemble in the Representative Hall, for the purpose of electing a President and three Directors of the

Branch Bank of the State of Alabama, at Mobile, on Saturday, the twenty-eighth instant, at twelve o'clock, M.

Also, a bill to repeal in part an act to incorporate the town of Blountsville, in Blount county, approved, December twentieth, eighteen hundred and thirty-seven.

Mr. McClung, from the judiciary committee, to which was referred a bill to prevent usury, and for other purposes, reported that the existing laws on the subject of usury, render it unnecessary further to legislate thereon, and recommended that the bill be rejected.

Mr. McClung moved to postpone the further consideration of the bill and report until Monday next; which was carried.

Mr. Cooper moved to suspend the orders of the day, to take up the message from the Senate; which was lost.

The House then took up the resolution heretofore offered by Mr. Hubbard, in relation to the basis of Congressional representation.

Mr. Campbell moved to lay the resolutions on the table.

Mr. McLemore moved to postpone the resolutions until Saturday next, and that they be made the special order for that day, at twelve o'clock; which was carried.

Mr. Bridges moved that the House do now resolve itself into a committee of the whole, on the bill to raise a revenue for the support of the State government; which was lost.

The House then proceeded to the consideration of the bill to raise a revenue for the support of the State government.

Mr. McClung moved to amend by striking out all after the enacting clause, in the first section, and inserting the following:

“That all lands in this State subject to taxation, shall pay an *ad valorem* tax, to be estimated by the person giving in the same on oath; and lands subject to taxation shall be returned, and the taxes thereon paid in the county where the same may lie. And if the tax collector shall be of opinion that the value placed upon lands thus given in, is too low, then it shall be the duty of the said collector to summon two discreet freeholders, who shall, together with himself, value the same on oath.”

Mr. Bridges called for a division of the question.

And then the House adjourned.

#### AFTERNOON SESSION, January 26, 1843.

The House met and resumed the consideration of the bill to raise a revenue, for the support of the State Government.

The question was on striking out the first section.

Mr. Norris moved to reconsider the vote taken this morning, to go into the committee of the whole House, on this bill; which was carried.

The House then resolved itself into committee of the whole on the bill to raise a revenue for the support of the State Government, and after some time devoted to the consideration of the bill the committee rose.

Mr. Speaker resumed the chair.

Mr. Calhoun moved to suspend the forty-second rule; which was lost.—Yeas 33—nays 49.

YEAS—messrs. Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Crowder, Dear, Dubose, Dunklin, Erwin, Findley, Fowier, Gamble, Garland, Griffin, Henderson, Hill, Jackson, Marchbanks, McClung, Morrisett, Morrison, Norris, Oliver, Pynes, Smith of L. Watts, Whorton, Williams of J. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Banks, Bridges, Clay, Cochran, Dortch, Douglass, Earle, English, Fletcher, Gasque, Hendrix, Hodges, Hubbard, Jones of Conecuh, Jones of C. Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, McCoy, McMillion, Mitchell, Moore of P. Morgan of A. Morris, Mundy, Norman, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith, of P. Smith of T. Storrs, Tate, Turner Valliant, Walker, Ware, and Williams of P.

And then the House adjourned.

FRIDAY, January 27th, 1843.

The House met pursuant to adjournment.

Mr. Moore of P. moved to suspend the twenty-sixth rule, to take up the resolution from the Senate, proposing to go into the election of a President and three Directors of the Branch Bank at Mobile; which was carried.

Mr. Bridges moved to amend the resolution by striking out all after the word "Resolved," and inserting the following:

That with the concurrence of the Senate, the two Houses will, within three days after the Governor shall make his nominations, proceed to the election of the President and Directors of the several Branch Banks, which have been placed in liquidation at this session of the General Assembly.

Mr. Cochran moved to lay the amendment on the table.

Mr. Robinson moved to include in that motion, the resolution from the Senate.

A division of the question was called for; which was first taken on the motion to lay the amendment on the table, and carried.

The question was then taken on laying the resolution on the table, and lost.

Mr. Barron moved to amend the resolution by striking out the words "Saturday, the twenty-eighth inst., at the hour of twelve, M." and inserting in lieu thereof, "Tuesday, thirty-first, at seven o'clock, P. M."

A division of the question was called for; which was first taken on striking out, and carried.

Mr. Cochran moved to strike out "seven," in the amendment offered by Mr. Barron, and insert in lieu thereof "three o'clock, P. M.;" which was carried.

Mr. Smith of L. moved to amend the amendment, by striking out the word, "Tuesday," and inserting in lieu thereof, the words "to-morrow;" which was lost.

The amendment as amended was then adopted.

Mr. English, from the committee on enrolled bills, reported, that they had examined and found correctly enrolled, the following bills, to wit:

An act, to repeal in part an act, entitled an act, to attach a part of Benton county to Talladega county, and for other purposes, approved, December, twenty-third, eighteen hundred and thirty-six:

An act to establish a tobacco inspection in the city of Wetumpka:

An act, to amend an act, for the better regulation and management of steamboats:

And an act to authorize the investment of the school fund of township four, range three, in Limestone county.

Mr. Watts moved to suspend the twenty-sixth rule in order to take up a bill to fix the time of holding the several circuit courts in this State; which was lost.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills of the following titles:

A bill, to hold hereafter, an additional Chancery court in Greene county.

A bill to incorporate the Fire Department Association in Mobile.

A bill regulating and prescribing the mode of settlement in Orphans' Courts by executors, administrators and guardians.

A bill to amend the charter of the Life Insurance and Trust Company.

A bill concerning the office of Clerk of Russell county and circuit courts.

And joint resolutions in relation to the traffic of bills of exchange by the State Bank and Branches.

The Senate has also passed a bill from the House to authorize the commissioners court of roads and revenue of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named.

Also, joint resolutions to provide means by which settlers on public lands, may enter their homes in Alabama currency.

The Senate concurs in the amendment made by the House, to the bill from the Senate, for the relief of the purchasers of a portion of the sixteenth section, township seventeen, range two, east, in Marengo county.

Also, in the first amendment made by the House to the bill from the Senate, to pay certain contracts for teaching common schools, and disagrees to the remaining amendment made by the House to said bill.

The Senate agrees to the amendments made by the House to the bill explanatory of an act for the relief of Cassandra Kelley.

Also, to the amendments to the bill to incorporate the Warrior Manufacturing Company.

Mr. Scott, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to revive an act entitled an act to incorporate the town of Fairfield, in Pickens county:

An act amendatory of an act therein named:

An act to impose additional duties on the Secretary of State, and clerks of the county courts, and other purposes:

An act for the relief of Joseph Lowery and others:

An act relative to the change of venue in certain counties therein named:

An act explanatory of an act for the relief of Cassandra Kelley:

And joint resolutions to provide a means by which settlers on public lands may enter their homes in Alabama currency.

Mr. Williams of P. introduced a bill in relation to a certain purchaser of a part of section sixteen, township twenty, range fourteen, west, in Pickens county; which was read the first time.

Mr. Williams of P. moved to suspend the rule in order to give this bill its second reading forthwith; which was carried.

The bill was then read the second time and ordered to be engrossed for a third reading.

Mr. Dear presented the petition of Bryant Marsh and others, of Wilcox county; which was referred to the judiciary committee.

Mr. McClung, from the judiciary committee, to whom was referred a bill regulating the issuing of patents for sixteenth section lands, reported the bill back to the House and recommended its passage.

The bill was considered as engrossed, read the third time, and passed.

Mr. McClung, from the same committee, to whom was referred a bill to alter the laws now in force relating to a change of venue, reported the bill back to the House and recommended its passage, with the following amendments: at the end of said bill, add the words "by the same party."

Also: "*And provided, also,* That when a change of venue shall take place, in a case brought in a county court, which is hereby allowed, under the rules now provided for, as respects cases pending in the circuit courts, the same shall be ordered and sent for trial, to a circuit court in some other county."

The amendments of the committee being concurred in, Mr. McClung moved to consider the bill as engrossed, and give it the third reading; which was carried.

The bill was then read the time and passed.

Mr. McClung, from the same committee, to whom was referred a bill to extend the jurisdiction of the county courts in certain cases, reported the bill back to the House and recommended its passage, with the following proviso:

*Provided,* That such guardian shall exercise no control over the person of his ward, during the lifetime of either his or her parents.

The amendment was concurred in.

Mr. McClung moved that the bill receive its third reading; which was carried.

The bill was then read the third time, and passed.

Mr. McClung, from the same committee, to which was referred a bill regulating the proof required to sustain an action at law in certain cases, reported the bill back to the House and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. McClung, from the same committee, to whom was referred a bill concerning coroners, reported the same back to the House and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. McClung, from the same committee, to whom was referred a bill to regulate the practice in chancery courts in this State, and for other purposes, reported the bill back to the House and recommended its passage, with the following amendments:

At the end of the first section, add the words "or where the defendant resides."

At the end of the second section, add the words "or where the defendant resides."

Strike out the proviso in the fourth section.

The amendments of the committee were concurred in.

Mr. Jones of G. moved to amend by an additional section, as follows:

That hereafter it shall not be allowable or necessary, on serving a subpoena in Chancery, on any defendant, to deliver a copy of the bill to any defendant; but any defendant may apply to the Register for a copy of the bill, which shall be furnished to him, and the costs for such copy shall be taxed as other costs in the cause.

Mr. Campbell moved to amend the amendment by way of proviso, as follows:

*Provided*, That the register may require payment at the time of the application for the copy, from the defendant.

Which was adopted.

The amendment as amended, was then adopted.

Mr. Kennedy of L. moved to amend by an additional section, as follows:

*And be it further enacted*, That all suits now pending and undetermined in the courts of Chancery in this State, in which the defendants are non-residents, may, on the application of the Register of the proper district, be removed to the district in which the plaintiff or plaintiffs reside.

Mr. Campbell moved to postpone the amendment indefinitely; which was carried.

Mr. Campbell moved to strike out the second section; which was carried.

The bill was then ordered to be engrossed for a third reading.

Mr. McClung, from the same committee, to whom was referred a bill for the relief of Robert Martin, reported the same back to the House and recommended its passage.

Mr. McClung moved to lay the report and bill on the table; which was carried.

A message from the Senate by Mr. Scales:

Mr. Speaker—The Senate has passed a bill the better to secure and extend the debts, due the Bank of the State of Alabama, and its Branches.

Mr. McClung, from the judiciary committee, to whom was referred a bill concerning suits by non-residents, reported that there is already ample provision made by the existing laws, for securing the costs in suits brought by non-resident plaintiffs, and that further legislation on the subject is unnecessary.

The report and bill were laid on the table.

Mr. McClung, from the same committee, to whom was referred a bill to extend the limitation of prosecutions in Montgomery county, reported the same back to the House without amendment.

The rule was suspended, the bill read a third time and passed.

Mr. English, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, an act to authorize the commissioners' court of roads and revenue of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named.

Mr. Rice moved that the House now resolve itself into a committee of the whole, on the bill to raise a revenue for the support of the State government; which was carried.

The House then resolved itself into a committee of the whole, and after some time being devoted to the consideration of the bill, the committee rose, and Mr. Speaker resumed the Chair.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles:

An act to repeal in part an act, entitled an act to attach a part of Benton county to Talladega, and for other purposes, approved, December twenty-third, eighteen hundred and thirty-six:

An act relative to the change of venue in certain counties therein named:

An act to authorize the commissioners' court of roads and revenue of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named.

All of which originated in this House.

A message from the Governor, by Mr. Garrett:

*Gentlemen of the Senate and House of Representatives:*

In pursuance of an act for the regulation of the Branch of the Bank of the State of Alabama, at Mobile, approved, January twenty-first, eighteen hundred and forty-three, I have the honor to nominate to your honorable bodies, the following named gentlemen, to wit:

James S. Deas, Tristram B. Bethea, Robert L. Walker, Seaborn Travis, Wm. P. Gould, Calvin Norris and Sanford Cooly, as fit persons for Directors of the Branch of the Bank of the State of Alabama, at Mobile, for the year eighteen hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 27th, 1843.

The House met pursuant to adjournment.

On motion of Mr. Rice, the House resolved itself into a committee of the whole, on the bill to raise a revenue for the support of the State government, and after having devoted the afternoon to the consideration of the bill, the committee rose.

Mr. Speaker resumed the chair.

Mr. McClung moved to suspend the forty-second rule; which was carried.

And the House adjourned until half past six o'clock, P. M.



## NIGHT SESSION, January 27, 1843.

The House met pursuant to adjournment.

Mr. Hubbard moved to suspend the orders, to take up the joint resolutions from the Senate, authorizing the Branch Banks at Mobile and Decatur to pay out their own issues, in aid of valueless sixteenth sections, for the year eighteen hundred and forty-two; which was carried.

The joint resolutions were read the first time.

Mr. McClung moved to suspend the rule, and give the joint resolutions their second reading.

The joint resolutions were read the second time.

Mr. Hubbard moved that the rule be further suspended, and the joint resolutions be read the third time; which was carried.

The joint resolutions were then read the third time and passed.

The engrossed bill in relation to seat of government lands at Cahawba, was read the third time and passed.

The engrossed bill to fix the compensation of the judges of the county court of Mobile county, was read the third time and passed.

The engrossed bill to amend an act in relation to estates of deceased persons, was read the third time, and Mr. McClung moved to amend by way of engrossed rider.

Mr. McClung moved to amend by way of substitute for the amendment just offered by him, as follows:

*Be it further enacted*, That hereafter, all claims against the estates of deceased persons, other than those specified in the first section of this act, shall be presented to the executors or administrators, within twelve months after the same shall have accrued, or within twelve months after the passage of this act, or within twelve months from the time of granting letters testamentary or letters of administration, and not after: and all such claims, not presented within the time prescribed as aforesaid, shall be forever barred from recovery, with the exception provided for in the first section of this act.

The amendment was adopted, in lieu of the amendment first offered.

Mr. Erwin moved to amend the amendment, as follows:

*Provided, however*, that the provisions of this act shall not be so construed as to revive any claim against the estates of deceased persons, which is now barred by reason of non-claimants; which was adopted.

Mr. Ware moved to amend the amendment, as follows:

*Provided*, no suit shall be instituted against any executor or administrator, within twelve months of granting letters testamentary, or of administration.

Mr. McClung moved to lay the amendment on the table; which was carried.

The amendment offered by Mr. McClung, as amended, was then adopted, and the bill passed.

The engrossed bill to provide for the duties of public ferrymen, was read the third time and passed.

The engrossed bill to amend an act entitled an act for the better regulating of the State printing, and altering the mode of paying for the

same, approved February fourth, eighteen hundred and forty, was read the third time, and Mr. Calhoun moved to amend by proviso, as follows:

*Provided*, that the present State printer shall print the acts and journals of the present session; which was adopted.

Mr. English moved to amend as follows:

*“Provided, further, That if the present State Printer shall refuse to print the Acts and Journals of the present Legislature, it shall be the duty of the Secretary of State, forthwith, to let out the printing of the same to some other printer, at fifteen per cent. less than the present price allowed for such work, and take from him the usual bond to secure a faithful performance of the same: And provided further, that if the present Printers should undertake the work they shall renew their bond for the faithful performance of the same.”*

Mr. Erwin of G.—(Mr. Rice in the chair)—moved to lay the bill on table for the present; which was carried. Yeas 42, Nays 29.

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Campbell, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Hendrix, Hill, Hodges, Hubbard, Kennedy of L. Lankford, Marchbanks, McMillion, Meriwether, Moore of P. Morgan of A. Morris, Mundy, Norman, Pynes, Rice, Richeson, Skipper, Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Williams of J. and Winston of DeK.

NAYS—messrs. Banks, Barron, Cain, Calhoun, Cooper, Crowder, Erwin, Griffin, Harris, Jackson, Jones of Conecuh, McClung, McCoy, McLemore, Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Porter, Robinson, Roby, Storrs, Ware, Watts, Whorton, Witherspoon and Woodward.

The bill from the Senate, to repeal an act to require the Governor of the State to reside at the seat of government during the interval of the Legislature, was read the third time.

Mr. Robinson moved to lay the bill on the table; which was lost.

The bill passed.

The memorial and joint resolutions of the State of Alabama to the Congress of the United States was read the third time and passed.

The bill to fix the compensation of the members of the General Assembly, and the officers of the two Houses; was read the third time and passed. Yeas 53—nays 9.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Calhoun, Campbell, Crowder, Dubose, Dunklin, English, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Hendrix, Hill, Hodges, Hubbard, Jones of Conecuh, Kennedy of L. Lankford, Marchbanks, McCoy, McMillion, Meriwether, Morgan of A. Morgan of C. Morrisett, Mundy, Norris, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Skipper, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon.

NAYS—messrs. Cain, Cooper, Douglass, Gasque, Jackson, McClung, Moore of P. Norman, Oliver and Woodward.

And then the House adjourned until half past nine o'clock, to-morrow morning.

SATURDAY, January 28, 1843.

The House met pursuant to adjournment.

Ordered, that messrs. Pynes and Gamble have leave of absence for the balance of the session.

Mr. Storrs, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, an act to incorporate the Warrior Manufacturing Company.

Mr. Calhoun moved to suspend the twenty-sixth rule; which was carried.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—the Senate has passed bills from the House of the following titles:

An act to amend an act to create a certain county therein named, and for other purposes, approved December thirty-first, eighteen hundred and forty-one:

An act to divorce Caroline Ritchie from her husband, Anthony Ritchie:

An act to divorce Job H. Scruggs from his wife, Virginia Scruggs:

And an act to divorce Jane Hardin from her husband, John B. Hardin.

The Senate concurs in the amendment made by the House to the resolution in relation to the election of the President and Directors for the Branch of the Bank of the State of Alabama at Mobile.

The Senate has passed a bill to divide the State of Alabama into seven Congressional Districts.

Mr. Rice moved that the House do now resolve itself into a committee of the whole, on the bill to raise a revenue for the support of the State Government; which was carried.

The House then resolved itself into a committee of the whole, and after some time being devoted to the consideration of the bill, the committee rose, and Mr. Speaker resumed the Chair.

Message from the Senate, by Mr. Scales.

Mr. Speaker—The Senate has passed a bill authorizing the withdrawal of the sixteenth section fund, now held by the Bank of the State and its several Branches.

Mr. Rice, from the committee of the whole, on the bill to raise a revenue for the support of the State Government, reported the same back to the House with amendments, and asked leave to be discharged from the further consideration of the bill.

The House then proceeded to the consideration of the bill and amendments reported by the committee.

The question was then taken on concurring in the first amendment reported by the committee, as follows: Strike out the first section and insert—

“That all lands in this State, subject to taxation, shall pay an *ad valo-*

*rem* tax, to be estimated by the person giving in the same on oath; and all lands subject to taxation, shall be returned, and the taxes thereon paid in the county where the same lie. And if the tax collector shall be of opinion, that the value thus placed upon lands is too low, then it shall be the duty of said collector to summon two discreet freeholders, who shall together with himself, value the same on oath."

Which was carried—yeas 54, nays 22.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Dear, Dortch, Douglass, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harrison, Hendrix, Hubbard, Jackson, Jones of C. Jones of G. Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Mitchell, Moore of P. Morris, Morrisett, Morrison, Mundy, Norman, Pickett, Porter, Rice, Richeson, Robinson, Scott, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Watts, Whorton, Williams of P. and Williams of J.

NAYS—messrs. Barron, Bridges, Calhoun, Campbell, Crowder, Gasque, Henderson, Hodges, Jones of Conecuh, Kidd, Marchbanks, McCoy, McLemore, Morgan of A. Morgan of C. Norris, Skipper, Storrs, Turner, Ware, Witherspoon and Woodward.

The second amendment reported by the committee, is as follows:

Strike out the words "after State," and all following, to include the words "other governments," and insert in lieu thereof, "liable to taxation, including all Indian reservations, under the treaties with the Creek Choctaw, Chickasaw and Cherokee tribes of Indians."

Mr. Ware moved to amend the amendment of the committee, by striking out all after the word "taxation;" which was lost—yeas 10, nays 63:

YEAS—messrs. Caffey, Cochran, Cooper, Crowder, Hubbard, Kendrick, McLemore, Mitchell, Morgan of C. and Ware.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Cain, Campbell, Dear, Dortch, Douglass, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Henderson, Hendrix, Hodges, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Marchbanks, McClung, McCoy, McMillion, Meriwether, Moore of P. Morgan of A. Morris, Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Watts, Williams of P. Witherspoon and Woodward.

The amendment of the committee was adopted.

The third amendment of the committee is as follows:

Strike out all after the word "thereof," in the second section, and insert, "ascertained as aforesaid."

The amendment was concurred in.

The fourth amendment of the committee is as follows:

Strike out the word "ten," in the second section, and insert in lieu thereof the words "twenty-five."

The amendment was rejected—yeas 32, nays 42.

YEAS—messrs. Speaker, Barron, Banks, Campbell, Cooper, Douglass, Earle, English, Garland, Gasque, Hendrix, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Marchbanks, McClung, Mc-

Coy, Morrison, Norman, Picketts, Richeson, Robinson, Smith of P. Tate, Valliant, Walker, Watts, Williams of J. and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Crowder, Dunklin, Findley, Fletcher, Fowler, Griffin, Harrison, Henderson, Hodges, Jones of Conecuh, McLemore, McMillion, Meriwether, Mitchell, Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Mundy, Norris, Oliver, Pettit, Porter, Rice, Scott, Skipper, Smith of L. Storrs, Turner, Ware, Whorton, Williams of P. and Witherspoon.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 28th, 1843.

The House met pursuant to adjournment.

Mr. Barron notified the House that he would move to amend the rules for the government of the House.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

Joint resolutions authorizing the Branch Bank at Mobile and Decatur to pay out their own issues in aid of valueless sixteenth sections, for the year one thousand eight hundred and forty-two.

The House then proceeded to the consideration of the amendments made by the committee of the whole to the bill to raise a revenue for the support of the State Government.

Mr. Calhoun moved to strike out the word "ten," in the second section, and insert the word "twenty."

A division of the question was called for, which was first taken on striking out, and carried.

The question then recurred on filling the blank with the word "twenty," and carried—yeas 53, nays 33.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bothwell, Caffey, Cain, Calhoun, Cooper, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hodges, Hubbard, Jackson, Jones of C. Jones of G. Kendrick, Martin, Moore of P. Morris, Morrisett, Morrison, Mundy, Oliver, Pickett, Richeson, Roby, Smith of P. Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

NAYS—messrs. Bishop, Bridges, Campbell, Cochran, Dear, Dunklin, Dunn, Hendrix, Kennedy of L. Kidd, Laukford, Marchbanks, McClung, McCoy, McLemore, McMillion, Meriwether, Morgan of C. Murphey, Norman, Norris, Pettit, Porter, Rice, Robinson, Skipper, Smith of L. Smith of T. Storrs, Tate and Witherspoon.

The fifth amendment of the committee is as follows: Insert the word "cash," after the word "dollars," in the second section.

The amendment was adopted.

The sixth amendment of the committee is as follows: Strike out the word "ten," in the third section, and fill the blank with the words "twenty-five."

Mr. McClung moved to amend the amendment of the committee by striking out the words "twenty-five," and inserting in lieu thereof the word "twenty;" which was carried.

The amendment of the committee as amended was adopted.

The seventh amendment of the committee is as follows: Strike out all after the words "to be," in the third section and insert "as provided for in the first section of this act."

The amendment was adopted.

The eighth amendment of the committee is as follows, to come in at the end of the third section:

*Provided*, That whenever the owner or agent of lands, lots, or buildings, shall neglect or refuse to assess the value thereof, it shall be the duty of the tax collector to summon two freeholders of the vicinage, to determine the value thereof, on oath; which valuation shall be final and conclusive.

The amendment was adopted.

The ninth amendment of the committee is as follows, to come in after the words "fifty cents," in the fifth line of the fourth section:

*Provided*, That all slaves which, from disease or otherwise, shall be valueless, shall not be liable to taxation.

The tenth amendment of the committee is as follows: Strike out the words "twenty-five cents," in the eighth line of the fourth section, and insert the word "forty."

Mr. Hubbard moved to amend the amendment of the committee by striking out the words "for all white males over twenty-one and under forty-five years."

And then the House adjourned until half past nine o'clock on Monday morning.

MONDAY, January 30th, 1843.

The House met pursuant to adjournment.

Mr. Calhoun moved to suspend the twenty-sixth rule in order to take up the resolution offered by Mr. Williams of J. proposing to hold night sessions; which was carried.

On motion of Mr. Calhoun, the resolutions were taken from the table.

Mr. Calhoun moved to amend the resolution by striking out the words "that from and after the ninth instant," and inserting in lieu thereof the words "that on and after this day, January thirtieth;" which was adopted.

The resolution as amended was then adopted.

Mr. Barron introduced the following resolutions:

*Resolved*, That the rule requiring the Speaker to call over the counties alphabetically, for petitions and bills shall be dispensed with for the balance of this session, and it shall only be necessary to call for petitions and bills generally.

*Resolved*, That from and after the thirtieth of this month, there shall be no new business introduced into this House in the shape of bills or joint resolutions, except such as are predicated upon petitions, accounts or reports from committees.

A division of the question was called, which was first taken on the adoption of the first resolution, and carried.

Mr. Barron moved to lay the second resolution on the table; which was carried.

Mr. Speaker laid before the House a communication from the inspectors of the Penitentiary, in answer to resolutions of the House, requiring information concerning the escape of prisoners from the Penitentiary.

Mr. Abernathy moved to refer the communication to the committee on the State Penitentiary; which was carried.

Mr. Speaker laid before the House the record of divorce in the case of Margaret S. Oliver vs. Creed T. Oliver; which was referred to the committee on divorce and alimony.

Mr. Erwin presented the petition of Philip McCloskey and others; which was referred to the committee on propositions and grievances.

Mr. Kennedy of L. introduced a bill to authorize the Governor of this State, to do certain acts therein named; which was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. Kennedy of L. referred to the committee on the State Penitentiary.

Mr. Jones of Conecuh introduced a bill to regulate the mode of collecting taxes in each and every county in this State; which was read the first time, rule suspended, read the second time, and referred to the committee on ways and means.

Mr. Dear presented the petition of David Lauderdale, and other citizens of Wilcox; which was referred to a select committee, consisting of the delegation from Wilcox.

Mr. Erwin introduced a bill to exempt certain persons in the county of Mobile, from working on the roads; which was read the first time, rule suspended, read a second time, rule further suspended, read the third time, and passed.

Mr. Cooper presented the account of Asa W. Allen; which was referred to the committee on propositions and grievances.

Mr. Hendrix presented the account of George Weirs, which was referred to the committee on ways and means.

Mr. McCoy presented the account of E. Griffin; which was referred to the committee on accounts.

Mr. Walker, from the committee on privileges and elections, to whom was referred a bill to abolish certain election precincts therein named, and to establish others in lieu thereof, in the counties of Dale and Coffee, reported the bill back to the House without amendment, and recommended its passage.

The bill was read the third time, and passed.

Mr. Woodward, from the committee on roads, bridges and ferries, to whom was referred a bill to authorize Isaac Holmes, and his associates, to turnpike a certain road therein named, reported the same back to the House without amendment, and recommended its passage.

Mr. Fowler moved to amend by way of proviso, as follows:

*“ Provided, that the citizens of Eleunt county be exempted from paying said toll on said road.”*

On motion of Mr. Rice, the amendment was laid on the table.

Mr. Fowler moved to lay the bill on the table; which was carried.

Mr. Rice offered the following resolution—which was adopted:

*Resolved*, That the clerk of this House be authorized to employ an additional assistant, to aid him in his business during the remainder of this session: *Provided*, that the said assistant shall not receive for his services, more than the sum of three dollars per day.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills from the House of the following titles:

An act to divorce Jane S. Wheeler, from her husband, Charles J. Wheeler:

An act to divorce Harriet Spriggs, from her husband, Erastus L. Spriggs:

An act for the support of paupers in Walker county:

An act concerning juries for the counties of Walker and Marion:

An act relative to the records of Henry county:

An act to compensate the commissioners of roads and revenue of Marion county:

An act to amend an act, entitled an act to incorporate the Oak Bowery Male and Female Academy:

An act respecting roads in Fayette county:

An act fixing the time of holding justices' courts in the county of Shelby, and to establish jury trials in said courts:

An act to incorporate the Columbia Male and Female Academy, in Henry county:

An act for the benefit of the sixteenth section, township seventeen, range twelve, in Dallas county—and have amended this bill as therein shewn.

The Senate has passed the following bills:

An act to confirm the emancipation of a certain slave therein named:

An act for the relief of John N. Wills and William Cameron:

And an act for the relief of Thomas H. Wiley.

The Senate concurs in the amendments made by the House to the bill from the Senate, for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, and has amended said amendments as therein shown.

The Senate has rejected bills from the House of the following titles:

An act to repeal an act, entitled an act to prevent the sacrifice of real estate, approved, January first, one thousand eight hundred and forty-two.

An act for the relief of Cynthia R. Merritt:

And also, an act to alter and amend the eighteenth section of the fourth chapter, of an act entitled an act regulating punishments under the Penitentiary system.

Mr. McClung, from the judiciary committee, to whom was referred a bill to abolish the punishment of death, reported that it is inexpedient to pass said bill.

Mr. Calhoun moved that the bill and report be laid on the table; which was carried—Yeas 55, nays 26.



**YEAS**—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Cain, Calhoun, Campbell, Cochran, Crowder, Douglass, Dubose, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Hendrix, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Lankford, Marchbanks, Martin, McClung, McMillion, Moore of M. Morris, Morrisett, Mundy, Norris, Oliver, Pickett, Richeson, Robinson, Scott, Skipper, Smith of P. Storrs, Turner, Valliant, Walker, Ware, Whorton, Williams of J. Williams of P. and Witherspoon.

**NAYS**—messrs. Banks, Bridges, Caffey, Cooper, Dear, Dortch, English, Harrison, Henderson, Hill, Hodges, Kennedy of L. Kidd, McCoy, Meriwether, Mitchell, Morgan of A. Morrison, Murphey, Porter, Rice, Smith of L. Smith of T. Tate, Watts and Winston of DeK.

Mr. Porter, from the minority of the judiciary committee, to whom was referred a bill to abolish the punishment of death, made the following report:

The undersigned rejoice to see that a new era is commencing in criminal jurisprudence. One by one, the barbarous and sanguinary enactments of the darker ages, are giving away to more humane and just systems of punishment; and the time is not remote, when the least defensible, because the most cruel, and important of them all, the punishment of death, will cease to be written on the pages of a code, which professes to administer judgment in mercy.

The principle upon which society rests its right to punish crime, is the power accorded to it by its members, of preventing all acts which would tend to invade good morals, or dissolve the social state. And it is said, that a right to prescribe a moral or social rule, involves a power to enforce its obedience by appropriate punishment. This punishment is designed, however, to prevent the crime, rather than to punish the individual. For society, if we believe the declaration of its laws, knows no revenge. Unless then, it can be shown, by those who make the punishment of death a part of their system of criminal law, that this infliction absolutely prevents crime, and is the only means of preventing crime, society is committing awful outrages upon the dearest rights of men, in this dreadful experiment upon their lives.

The advocates of this system of punishment, when driven from every argument founded upon the right of society to inflict it, or its capacity to answer the end proposed, resort to sacred writ, behind which to protect their power. Those portions of scripture, (found in Exodus, chapter twenty, verse twelve, and Numbers, thirty-eighth chapter, sixteenth verse,) which are referred to, seem to us not to sanction the power, as existing in well organized society. It was a sanction of the original lawgiver, addressed to a stubborn and criminal people, and may be considered as either, a prophecy of what should be the fate of him who slays his brother, than a direction to men in framing a code of laws. Besides, the Mosaic dispensation was superceded by the milder and more humane schemes of Christ. He in express terms some of the provisions standing in apposition with the declarations referred to. He changes the rule laid down by Moses, with respect to retaliation; and in every act of his divine mission, teaches the reverse of revenge, and inculcates mildness and justice. If it be proper to accord to the laws of Moses the right of

inflicting the punishment of death, it is also right to insist upon an eye for an eye, and a limb for a limb, in the codes of the modern lawgiver.

With respect to the scripture argument, however, we respectfully put this question to those who profess as christians, to be operated upon by the benign influence of our Saviour's precepts and example. When one is condemned to suffer death as an offender, the justice of God is supposed to be substituted for that of men. Men, however, in imitating God's justice, should also imitate his mercy. If they take the criminal's life before he has repented of his crimes, they send him unprepared before the judgment seat of the Great Judge of all men—

“Cut off, even in the blossoms of (his) sin,  
Unhouseld, unanointed, unanell'd,  
No reckoning made, but sent to (his) account,  
With all his imperfections on his head.”

To cut off a poor wretch in the midst of his crimes—no preparation—no chance for atonement—no repentance?

If, on the other hand, the criminal is executed after repentance, what right have christians to take his life? We are told, that after repentance, God takes the worst of sinners to his arms; and shall man do less? When one who has incurred the penalty of the law for a fault, repents him of his sins, and makes his peace with his Maker, will men then slay him? This is for man to assume power,

“Where angels fear to tread.”

Again, we assert society has no right to take life; when we consider its powers and authority, as a human institution. Society is made up of men, and instituted by men. Men in giving it power over themselves, can give it no power which they themselves have not. The power to give life is God's, and so the power of taking it away. Men have no authority to delegate to society a power over life, because that power is denied to them, in a state of nature; and it is impossible, in the idea and language of Beccaria, that in the smallest portions of the liberty of each man, sacrificed to the good of the public, can be included the greatest of all good—Life. If society has a right to take life as a means of preventing offences, men individually, have also. For society cannot exist, except under authority and powers delegated by men, and then follows the inconsistency of society undertaking to punish a suicide.

Again, society should not punish men by taking life, because it neither prevents crime by operating as an example, nor is it the only means of answering the purpose of humane punishment.

The experience of all times proves that the minds of men are more effected by the continuance than the intenseness of pain. Therefore it is, that the recollection of a capital punishment soon vanishes. It is a spectacle, and only a spectacle, breaking in upon the ordinary events of a day; but forgotten when a new spectacle of different complexion, is presented to the eyes of the multitude.

Punishment by confinement in a prison, would operate as a more permanent example, and it is a better means of preventing crime.

The spectator's eye while resting upon a prison house, and its lonely inmate, is continually looking in upon itself, and learning lessons of virtue, in the example afforded there.

Again, when society has taken life, it has cut off the chance of saving an innocent man falsely accused. And unless tribunals of justice were always right—always incapable of being misled—this is a powerful argument in favor of imprisonment of the convicted person. Men have been accused and condemned falsely, and will be again. Then society owes it to justice, to reserve in itself the opportunity of retribution. If an innocent man is slain, his life can never be restored in justification of the wrong inflicted upon that life; and his fame, if imprisoned, he may, when his innocence is made known, be turned from prison, to exult in the sympathy of the community, and the more sincere and heartfelt congratulations of his friends.

The undersigned, having as succinctly as possible, given the arguments and opinions of some of the best and wisest men of the present and past age upon this question, leave it with the public. Content to leave these arguments to uphold the present report, and satisfied as they can do no more, to leave to coming time to give judgment upon their position.

Mr. McCoy, from the judiciary committee, to which was referred a bill to legalize the acts of Thomas M. King, Noel B. Warren and James Poston, commissioners of the sixteenth section, township four, range five, in Jackson county, reported the same back to the House without amendment and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. McClung, from the same committee, to whom was referred a bill to prevent the sacrifice of property, whether real or personal, under sale by execution, reported, that the provisions of the bill are contrary to the constitution of the United States and of the State of Alabama.

Mr. Williams of J. moved to lay the report and bill on the table; which was carried.

Mr. McClung, from the same committee, to whom was referred a bill to amend the laws in relation to insolvent estates, reported, a bill embracing all the matter contained in the bill above recited, which will supersede the necessity of legislating further on the subject, and recommended that the bill be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred the petition of Benjamin F. Barron and others, reported a bill to attach the ten acres of land on which B. F. Barron resides, lying in Russell county, to the county of Macon; which was read the first time, rule suspended, read the second time forthwith, rule further suspended, read third time and passed.

Mr. Moore of M. from the same committee, to which was referred the petition of Major Weatherford, reported that it is inexpedient to grant the prayer of the petitioner, and asked to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Moore of M. from the same committee, to whom was referred the

petition of sundry citizens of Russell county, reported that the prayer of the petition had been granted in a bill which passed the House.

The report and petition were laid on the table.

Mr. Winston of DeK. from the select committee, to which was referred a bill in relation to payments made under the law appropriating two hundred thousand dollars to valueless sixteenth sections, reported that it is unnecessary to legislate on the subject.

The report and bill were laid on the table.

Mr. Winston of DeK. from the select committee, to which was referred the petition of Henry Parham and others—reported a bill to authorize Parham and his associates to make a turnpike road in St. Clair county; which was read the first time and ordered to a second reading.

Mr. Winston of DeK. from the select committee, to whom was referred the petition of Thomas H. Canterbury and others—reported a bill to authorize Thomas H. Canterbury and his associates to make a turnpike road in De Kalb county; which was read the first time. Mr. Griffin moved to lay the report and bill on the table; which was carried.

Mr. McLemore, from the select committee, to which was referred the petition of the citizens of Auburn, in the county of Macon; which was read the first time—reported a bill to incorporate the town of Auburn, in Macon county, was read the first time.

Mr. McLemore moved to suspend the rule, to give the bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Campbell, from the select committee, to whom was referred a bill from the Senate, regulating the place of holding the special terms of the circuit court of Mobile county, and for other purposes—reported that the bill is a proper one, and recommended its passage.

The bill was read a third time and passed.

Mr. Campbell, from the select committee, to whom was referred a bill for the relief of J. Henri Hottinguer, reported the bill back to the House without amendment, and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. Smith of T. from the select committee, to whom was referred a bill to retrench the expenses of the State University, and to provide for the education of the poor, made the following report:

The select committee, to which was referred a bill to be entitled an act to retrench the expenses of the State University and to provide for the education of the poor, and for other purposes, have had the same under consideration, and have instructed me to report a substitute for the bill, and recommend its passage.

In connection with the bill, your committee beg leave to submit a few plain facts.—The University fund which is generally and improperly considered as a donation from the General Government, was secured to the State by a compact between the General Government and the Alabama Territory. The condition of this compact may be seen by reference to the act of Congress authorizing the people of the Alabama Territory to form a Constitution and State Government—(Aikin's Digest, page twenty-five.) The act provides that in consideration of the lands set apart for

schools and other purposes, in the acts enumerated, amongst which is the University land—"the Convention shall provide by ordinance, *irrevocable* without the consent of Congress, that the people inhabiting said Territory do agree and declare that they forever disclaim all title to the waste and unappropriated lands lying within the said Territory, and that the same shall be at the sole and entire disposition of the United States."

The capital stock of the University, now estimated at three hundred thousand dollars, is the nett proceeds of the sales of the lands set apart in the act above referred to, for the special purpose of a State University. This sum is vested in stock in the Bank of the State of Alabama, at Tuscaloosa, and yields an annual dividend of eighteen thousand dollars. The University relies, mainly, for its support, upon this dividend; to which is added, the fees paid by the students, which, at this time, and at the present low rates, do not amount to more than two thousand dollars per annum. The entire income of the institution may be stated at twenty thousand dollars.

The expenses of the University for the last year, as stated by the trustees in their report, are twenty-one thousand eight hundred and twenty-four dollars and fifty-six cents. In connection with this annual expenditure, should be considered the item of three thousand eight hundred and forty dollars, which is due to the Bank annually from the University, as interest on the University Bank debt. Stating the expenditure at twenty-five thousand six hundred and sixty dollars, and the income at twenty thousand dollars per annum, shows that the expenditure exceeds the income five thousand six hundred and sixty dollars. An annual loss of this amount, for thirty-four years, would exhaust the entire University fund.

The interest above referred to, accrues upon a debt contracted with the Bank by the trustees, in the years eighteen hundred and twenty-nine, eighteen hundred and thirty, eighteen hundred and thirty-one, eighteen hundred and thirty-two, and eighteen hundred and thirty-three, for money borrowed for the purpose of erecting the college buildings. The original debt is sixty-four thousand dollars; and the interest has swelled it to the large amount of one hundred and seven thousand dollars.

The account between the University and the Bank may be stated thus: The Bank indebted to the University, three hundred thousand dollars; the University indebted to the Bank, one hundred and seven thousand dollars: and if a balance be struck, the University fund would be reduced to one hundred and ninety-three thousand dollars. That this Bank debt should be paid, all men will admit; for the State Bank is not able to lose it: and it would be unjust, as well as contrary to law, to take the people's money to pay this debt, more especially at this time of unexampled embarrassment on the part of the Bank. And in reference to this debt, your committee have found, in the last annual message of His Excellency the Governor, the following recommendation: "the University fund pays annually a considerable sum in the way of interest some debt due the Bank. I recommend to the Legislature to adopt, on a measure which will ultimately result in extinguishing this debt

and relieve the fund from the yearly drain to which it is now subjected." The payment of this debt, at this time, would reduce the University fund to one hundred and ninety-three thousand dollars, which would yield but eleven thousand dollars per annum; and the law provides, and policy suggests, that the University fund should not be reduced in any manner whatsoever. To avoid the serious evil of reducing the capital, as well as to provide for the liquidation of this Bank debt, your committee have incorporated in the bill, by which the debt, upon accurate calculation, can be fully paid in about thirteen years. To disencumber the institution from all embarrassments, is a most desirable end, and your committee cannot too strongly recommend the adoption of the clause referred to.

The present rate of interest on this Bank debt, would eat up the entire University fund, upon accurate calculation, in fifty-one years: at compound interest, fifteen years would consume the fund. But there is still a more frightful view of this subject: in thirteen years, the University debt has reached one hundred and seven thousand dollars. Rating the expenses hereafter at what they have been heretofore, twenty years would destroy the fund; and half that number of years would create such a debt against the University as would prostrate it.

In order the more easily to pay this debt, your committee believe it important that the expense of the college should be greatly reduced.

Twenty-five thousand dollars per annum is an amount larger than the expenditures of any similar institution known to your committee. The salaries heretofore fixed by the trustees, are larger than necessary at this time; and though, under more prosperous auspices, your committee would not willingly reduce the salaries of the present learned, useful and efficient faculty; yet the immense debt hanging over the college—the pressure of the times—the demands of economy—the safety and permanence of the fund, and the welfare of the institution, imperiously require, in the opinion of your committee, that the salaries should be reduced. The salaries have heretofore amounted to about fifteen thousand dollars per annum—which will secure the saving of five thousand dollars.

To promote this amount of annual gain, your committee contemplate to dispense with the tutors who are now in the institution. Their services are not necessary. There are now about sixty or seventy students: to teach them, there are eight persons, including the President. Supposing a division of labor, there would be about eight scholars to each teacher. It is a fair conclusion, that six competent persons, including the President, would be amply able to attend to seventy students closely and strictly. The dispensing with the teachers would save two thousand dollars per annum.

Your committee deem it superfluous, to urge the adoption of that section of the bill, which provides for the admission of poor boys into the institution, free of cost. It is believed to be in accordance with the original intention of the endowment, as well as with the true spirit of our republican institutions. A rule has heretofore prevailed in the government of the University, which restricts free scholars' entrance, by

limiting each county in the State to one scholar. Under this regulation, but few applications are ever made, and the ordinance is almost a dead letter. By enlarging this privilege, and not limiting the number, by confining them to any particular county, your committee are of opinion, that your college would soon be visited by numerous young men from the poor ranks of society—thereby filling the institution with a class of scholars, who always promise most for future usefulness and eminence. It is believed that the college buildings are sufficiently large to accommodate, very comfortably, one hundred and fifty students.

Your committee would suggest, that the tuition is too low: it is only thirty dollars per annum, including fuel, servant hire, and lodging rooms. Twice this sum will scarcely cover the tuition of a youth of twelve years, in an ordinary village academy. The fees might be raised to fifty or sixty dollars per annum: and if it should be deemed expedient by the trustees, they might, in some degree, restore the fees of the professors, by requiring each student (except those who enter under the free scholar ordinance) to pay an extra fee of twenty or thirty dollars, to be paid to the professors. Even thirty dollars extra, would not make the tuition as high as the ordinary village academy fees.

The expense of the board of trustees, is a considerable item in the expenditures of the University; and your committee recommend that the number of trustees be reduced. Under the present law, there are twenty-one members of the board, including the Governor, who is, *ex officio*, President of the board. Under the proposed reduction of the judicial circuits, if the plan which your committee propose be adopted, there would be but ten members—a number quite sufficient to promote and guard the interests of the institution.

Your committee, in this investigation, have been actuated by an earnest desire to promote the permanent interests of the University, as well as to consult, respectfully, the wishes of the faculty. They are happy in being able to state, that the institution is marching on rapidly to a high place in the consideration of the country, and may be justly looked to with pride, by every Alabamian. So far as we have been able to learn, the present faculty are considered as quite equal to any in the Southern States: and we feel warranted in the conclusion, that where there is so much learning and science, there must be a liberal sense of the necessity which exists, at this time, for retrenchment in the expenditures of the college; and we indulge the hope, that upon a fair investigation of all the circumstances, the faculty will cheerfully submit to the same retrenchment which has been extended to all the other departments of the State Government. But your committee, while they respect the opinions and wishes of the faculty, cannot lose sight of the paramount object of the establishment of the institution—which was, rather to educate the youth of the country, than to promote the luxurious comfort of any set of men.

(Signed,)

WM. R. SMITH, of Tuscaloosa.

J. COCHRAN, of Benton.

SAM'L S. EARLE, of Jefferson.

Mr. Campbell moved to lay the report and bill on the table.

Mr. Watts moved to postpone the report and bill until Saturday next,

and make it the special order for that day, at eleven o'clock; which was carried.

Mr. Kennedy of L. from the select committee, to whom was referred the memorial and joint resolutions in regard to the Muscle Shoals canal, in Lauderdale county, and the amendments thereto appended, reported the same back to the House with further amendments, and recommend their adoption.

Mr. Norman moved to lay the report and memorial on the table.

The hour of twelve o'clock having arrived, Mr. Martin moved to suspend the special order, that the house might take up the bills to put in liquidation, the Branch of the Bank of the State of Alabama at Huntsville; which was carried.

The bill to put in liquidation the Branch Bank at Huntsville, was read the third time and passed.—Yeas 48—nays 45.

YEAS—messrs. Banks, Barron, Caffey, Cain, Cochran, Cooper, Crowder, Dortch, Dunn, Earle, Erwin, Fowler, Garland, Harris, Harrison, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of A. Morgan of C. Morrisett, Murphey, Norman, Oliver, Pettit, Pickett, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts, Winston of DeK. Winston of S. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Dear, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Gasque, Griffin, Henderson, Hendrix, Hill, Jones of C. Kennedy of L. McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Morrison, Mundy Norris, Porter, Robinson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. Williams of P. and Woodward.

Mr. Martin moved that the bill be forthwith sent to the Senate; which was lost—Yeas 41—nays 48.

YEAS—messrs. Banks, Barron, Caffey, Cain, Cochran, Crowder, Dortch, Dunn, Erwin, Fowler, Garland, Harris, Harrison, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kidd, Lankford, Marchbanks, Martin, McCoy, McLemore, Mitchell, Morgan of A. Morgan of C. Murphey, Norman, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Roby, Skipper, Valliant, Walker, Ware, Watts, Winston of DeK. Winston of S. and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Cooper, Dear, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Gasque, Griffin, Henderson, Hendrix, Hill, Jones of C. Kendrick, Kennedy of L. Kennedy of M. McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Morrison, Mundy, Porter, Robinson, Scott, Smith of P. Smith of T. Storrs, Tate, Turner, Whorton, Williams of J. Williams of P. and Woodward.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of the purchasers of a portion of the sixteenth section, township seventeen, range two, east, in the county of Marengo:



An act to extend the provisions of an act, approved December thirty-first, eighteen hundred and forty-one, entitled an act, to establish jury trials in justices' courts in certain counties of this State, and to regulate the proceedings therein, to the counties of Butler and Pike:

An act to divorce Jane Hardin from her husband John B. Hardin.

An act to repeal an act requiring the Governor of the State, to reside at the seat of Government during the interval of the legislature.

Mr. Storrs, from the same committee, reported as correctly enrolled:

An act to divorce Caroline Ritchie from her husband Anthony Ritchie:

And an act to divorce Job H. Scruggs from his wife Virginia Scruggs:

The House then proceeded to the consideration of the bill to raise a revenue for the support of the State Government.

The question being on Mr. Hubbard's motion to amend the amendment of the committee, by striking out also the words "on every white male over twenty-one and under forty-five years" in the fourth section.

And then the House adjourned.

AFTERNOON SESSION, January 30, 1843.

The House met and resumed the consideration of the bill to raise a revenue for the support of the State Government.

The question was taken on Mr. Hubbard's motion to amend the amendment of the committee, to the eighth line of the fourth section, by striking out also, the words "on all white males over twenty-one and under forty-five years," and lost—Yeas 18—Nays 56.

YEAS—messrs. Bishop, Cam, Earle, Findley, Griffin, Hendrix, Hubbard, Lankford, Marchbanks, McMillion, Morris, Murphey, Rice, Scott, Skipper, Valliant, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Cochran, Crowder, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hill, Hodges, Jackson, Jones of G. Kendrick, Kennedy of M. Martin, McClung, McLemore, Meriwether, Mitchell, Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Richeson, Robinson, Roby, Smith of L. Smith of P. Turner, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward.

The question was then taken on concurring in the tenth amendment of the committee as follows:

Strike out "twenty cents" in the eighth line of the fourth section, and insert "forty."

The amendment was rejected—yeas 29, nays 48.

YEAS—messrs. Speaker, Barron, Bridges, Caffey, Calhoun, Campbell, Dortch, Douglass, Dunklin, Dunn, English, Erwin, Harris, Hill, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, Norris, Porter, Smith of L. Tate, Ware, Watts, Witherspoon and Woodward.

NAYS—messrs. Abernathy, Banks, Bishop, Cain, Cochran, Crowder, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kennedy of M. Marchbanks, Lankford, Martin, McMillion, Mitchell, Meriwether, Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Nor-

man, Oliver, Pettit, Pickett, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Turner, Valliant, Walker, Whorton Williams of J. Williams of P. and Winston of DeK.

The question was then taken on the eleventh amendment of the committee, which is as follows:

After the words "fifty cents," in the eighteenth line of the fourth section, insert:

"For every silver watch kept for use, twenty-five cents."

The amendment was concurred in.

The twelfth amendment of the committee is as follows:

Strike out the words "one dollar," in the thirty-first line of the fourth section, and insert the words "twenty-five cents."

The amendment was concurred in.

The thirteenth amendment of the committee is as follows:

Strike out all that relates to wooden clocks in section fourth.

The amendment was concurred in.

The fourteenth amendment of the committee is as follows:

After the word "Alabama," in the thirteenth line of the fifth section insert the words, "or any other Bank bills:"

The amendment was concurred in.

Mr. Hubbard moved to amend the bill as follows:

"Upon the household furniture owned by each family over and above the value of two hundred and fifty dollars, the sum of twenty-five cents upon each hundred dollars value, the value to be ascertained on the oath of the person giving in the same."

Mr. Mundy moved to lay the amendment on the table; which was carried—yeas 43, nays 40.

YEAS—messrs. Speaker, Barron, Crowder, Dear, Dunklin, English, Erwin, Findley, Gasque, Harris, Harrison, Hodges, Jackson, Jones of G. Kendrick, Kennedy of L. Lankford, McClung, McCoy, McLemore, Mitchell, Moore of M. Moore of P. Morgan of C. Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Robinson, Smith of L. Smith of P. Storrs, Tate, Ware, Watts, Williams of P. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Bishop, Bridges, Cain, Cochran, Cooper, Dortch, Douglass, Dubose, Dunn, Earle, Fletcher, Fowler, Garland, Griffin, Hendrix, Hill, Hodges, Hubbard, Jones of Conecuh, Kennedy of M. Kidd, Marchbanks, Martin, McMillion, Meriwether, Morris, Morrisett, Morrison, Norman, Rice, Richeson, Roby, Scott, Skipper, Turner, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

Mr. McClung moved to amend by adding "for every slave over fifty and under sixty years, twenty-five cents."

Mr. Norris moved to amend the amendment by inserting the word "male," after the word "every;" which was lost.

The question was then taken on the adoption of the amendment, and lost.

Mr. Calhoun moved to reconsider the vote just taken; which was lost.

Mr. Erwin moved to amend the bill by inserting after the word "slave," in the second line of the fourth section, the words "five years old and under."

Mr. Calhoun moved to lay the amendment on the table; which was carried.

Mr. Winston of DeK. moved to amend as follows, to come in after the word "cents," in the thirteenth line of the fourth section:

"For every gold headed walking cane, twenty-five cents."

Mr. Calhoun moved to amend the amendment by adding after the word "gold," the words "or silver."

Mr. Moore of M. moved to lay the amendment on the table; which was lost.

The question was then taken on the adoption of the amendment to the amendment, and carried.

Mr Campbell moved to postpone the amendment indefinitely; which was lost.—Yeas 40—nays 43.

YEAS—messrs. Banks, Bridges, Caffey, Campbell, Crowder, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Fletcher, Gasque, Harris, Harrison, Hill, Hodges, Jackson, Jones of Conecuh, Jones of C. Jones of G. McClung, McCoy, McLemore, Mitchell, Moore of M. Morgan of C. Morrison, Norris, Porter, Robinson, Roby, Skipper, Storrs, Turner, Ware, Watts, Witherspoon, and Woodward.

NAYS—messrs. Speaker, Abernathy, Barron, Bishop, Cain, Calhoun, Cochran, Cooper, Dear, Earle, Findley, Fowler, Garland, Hendrix, Hubbard, Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McMillion, Meriwether, Moore of P. Morris, Morrisett, Mundy, Murphey, Norman, Pickett, Rice, Richeson, Scott, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Whorton, Williams of J. Williams of P. and Winston of DeK.

Mr. Cochran moved to amend the amendment by adding the words "on every hundred dollars value."

Mr. Erwin moved to lay the amendment on the table, which was carried.

Mr. Campbell moved to amend by additional section, as follows:

"That every person who shall offer slaves for sale in any county in this State, as a merchant, dealer, trader or broker, dealing in that property, before he shall be authorized to make sale of any slave, he shall procure from the Clerk of the county court of said county, a license, for which he shall pay fifty dollars, which shall authorize the sale in said county, for one year, from the date, and every person who shall make sale of slaves, in manner aforesaid, without such license, shall be proceeded against in the same manner as retailers of spirituous liquors without license, and the want of such a license, shall be a defence in any suit commenced by said dealer, trader, broker or merchant, for the price of any slave so sold."

The amendment was adopted.

Mr. Porter moved to strike out the fifth section.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill from the House, of the following title:

An act to fix the compensation of members of the General Assembly and the officers of the two Houses. The Senate has amended the same as therein shewn, and also amended the caption of the bill so as to read an

act to regulate the compensation of the members of the House of Representatives and the officers thereof.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a memorial and joint resolutions from the House, of the State of Alabama to the Congress of the United States, and amended the same by striking out the word "subjects," in the fifth line.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, did on this day, approve bills of the following titles:

An act to divorce Caroline Ritchie, from her husband, Anthony Ritchie:

An act to divorce Job H. Scruggs, from his wife, Virginia Scruggs:

An act to divorce Jane Hardin, from her husband, John. B. Hardin; which bills originated in the House of Representatives.

And then the House adjourned until half past six o'clock, P. M.

#### NIGHT SESSION, January 30th, 1843.

The House met pursuant to adjournment.

Mr. Hubbard moved to take up the bills on their second reading; which was carried.

The bill to compensate Robert Fenner and others, for services therein specified, was read the second time.

Mr. Rice moved to amend the bill by inserting the word "land," after the word "Courtland," where it occurs in the said bill; which was carried.

Mr. Norris withdrew his motion to strike out all in said bill that relates to Robert Fenner and Thomas B. Jones.

Mr. Rice moved to strike out the words "nine hundred and eighty-two," and insert in lieu thereof the words "six hundred and seventy-two."

A division of the question was called for, which was first taken on striking out, and carried—yeas 44, nays 32.

YEAS—messrs. Abernathy, Barron, Bishop, Bridges, Caffey, Calhoun, Crowder, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Hendrix, Hodges, Kendrick, Lankford, McClung, McMillon, Moore of M. Moore of P. Morris, Morrisett, Morrison, Mundy, Norris, Pettit, Pickett, Rice, Richeson, Robinson, Smith of P. Tate, Whorton, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Cain, Campbell, Cooper, Dortch, Dunklin, Erwin, Gasque, Harrison, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Martin, McCoy, Meriwether, Morgan of C. Norman, Porter, Skipper, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Witherspoon and Woodward.

Mr. Hubbard moved to fill the blank with the words "eight hundred;" which was carried.

Mr. Douglass moved to amend by additional section, as follows:

*And be it further enacted, That the sum of two thousand dollars be*

paid to the Tennessee Canal commissioners for money paid by them over to contractors on said canal.

Mr. Rice moved to lay the amendment on the table; which was carried.

Mr. Rice moved to give the bill its third reading forthwith; which was carried.

The bill was then read the third time, and passed.

The bill to repeal an act entitled an act to abolish direct taxation, approved January ninth, one thousand eight hundred and thirty-six, was read the second time and referred to the committee on ways and means.

The joint resolutions to authorize the Warden of the Penitentiary to to appoint a deputy Warden, was read the second time and referred to the committee on the State Penitentiary.

The bill to provide for the recovering of the State Capitol, was read the second time.

Mr. Calhoun moved to lay the bill on the table; which was lost. Yeas 23. nays 48:

YEAS—messrs. Abernathy, Bishop, Bridges, Calhoun, Crowder, Fletcher, Griffin, Harrison, Hendrix, Hodges, Kendrick, Lankford, Morrisett, Mundy, Norris, Oliver, Pettit, Skipper, Storrs, Ware, Watts and Winston of DeK.

NAYS—messrs. Speaker, Banks, Barron, Cain, Campbell, Cooper, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fowler, Garland, Gasque, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. McClung, McCoy, McLemore, McMillion, Meriwether, Moore of M. Moore of P. Morgan of C. Morris, Morrison, Norman, Pickett, Porter, Rice, Richeson, Robinson, Smith of P. Smith of T. Tate, Valliant, Walker, Whorton, Williams of J. Witherspoon and Woodward.

Mr. Smith of T. moved to strike out the words "three thousand," and insert in lieu thereof the words "fifteen hundred."

A division of the question was called for, which was first taken on striking out, and carried.

The question was then taken on filling the blank with "fifteen hundred;" and carried. Yeas 41, nays 30.

YEAS—messrs. Speaker, Banks, Barron, Cain, Campbell, Dortch, Douglass, Dubose, English, Erwin, Findley, Fowler, Gasque, Harrison, Hill, Jackson, Jones of Cov. Jones of G. Kennedy of L. McClung, McCoy, McLemore, Meriwether, Moore of M. Moore of P. Morgan of C. Morris, Morrison, Norman, Oliver, Porter, Rice, Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Whorton, Witherspoon and Woodward.

NAYS—messrs. Abernathy, Bishop, Bridges, Caffey, Calhoun, Cooper, Crowder, Dunklin, Earle, Fletcher, Garland, Griffin, Hendrix, Hodges, Hubbard, Kendrick, Lankford, McMillion, Morrisett, Mundy, Norris, Pettit, Pickett, Richeson, Robinson, Skipper, Ware, Watts, Williams of J. and Winston of DeK.

Mr. Smith of T. moved to suspend the rule to give this bill its third reading forthwith, which was carried.

The bill was then read the third time and passed.

The bill to give a lien to overseers for their wages, and the bill to repeal an act therein named, were severally read the second time, and referred to the committee on the judiciary.

The bill to change the time of holding the Chancery courts for the Southern Chancery division, was read the second time, rule suspended, read the third time forthwith and passed.

The bill the more fully to establish the line between the counties of Jackson and De Kalb, was read the second time.

Mr. Winston of DeK. moved to amend by substitute; which was adopted.

The bill was then read the third time, the rule being suspended, and passed.

The bill to promote the cause of education in the several counties of this State, was read the second time, and referred to the committee on education.

The bill to restrict the jurisdiction of certain courts therein named, was read the second time, and referred to the judiciary committee.

The bill to authorize and require the Trustees of the University to refund money in certain cases, was read the second time, and on motion of Mr. Barron, referred to the committee on the University.

The bill to amend an act entitled, an act to prevent surprise and injury to defendants in execution, was read the second time, and referred to the committee on the judiciary.

The bill to incorporate the town of Troy, was read the second time,—rule suspended, read the third time forthwith, and passed.

The bill to provide for the distribution of certain documents among the several counties of this State, was read the second time.

Mr. Erwin moved to refer the bill to a select committee of three; which was carried,—and messrs. Erwin, Banks, and McCoy, were appointed said committee.

The bill to impose a certain duty upon constables—

The bill to change the time of holding the fall term of the circuit courts of the sixth judicial circuit—

And the bill to change the time of holding the chancery courts of the southern chancery division—

Were severally read the second time, and referred to the committee on the judiciary.

The bill to alter the mode of assessing taxes in Benton county, and for other purposes, was read the second time, and referred to the committee on ways and means.

The bill to vest in Mary Ford, wife of Noah Ford, certain rights and privileges therein named, and for other purposes, was read the second time, and referred to the committee on propositions and grievances.

The bill to add a portion of Wilcox county to Marengo county, was read the second time, and ordered to be engrossed for a third reading.

The bill to compensate the judge of the county court of Pickens county, in certain cases, and for other purposes, was read the second time,—rule suspended, read the third time, and passed.

The bill to exempt certain property therein mentioned from levy or sale by execution, was read the second time.

Mr. Moore of M. moved that the bill be referred to a select committee; which was carried.

Mr. Mundy moved that the committee should consist of the delegation from Madison county; which was carried.

The bill to run and mark out the line between the counties of Shelby and Jefferson, was read the second time,—rule suspended, read the third time forthwith, and passed.

The bill to authorize the commissioners of township one, range two, west, to do certain acts therein named, was read the second time, and laid on the table.

The bill to amend an act entitled, an act to incorporate the Tallapoosa Manufacturing Company, was read the second time,—rule suspended, read the third time forthwith, and passed.

The bill further to amend the charter of the Alabama Life Insurance and Trust Company, was read the second time, and referred to the committee on the judiciary.

The bill concerning the judge of the county court of Lowndes county, was read the second time,—rule suspended, read the third time, and passed.

The bill to amend an act to restrain excessive taxation for county purposes, in Tallapoosa county, was read the second time, and ordered to be engrossed for a third reading.

Mr. Morgan of C. moved to reconsider this vote; which was carried.

On motion of Mr. Morgan of C. the rule was suspended, the bill read the third time, and passed.

The bill to amend an act to incorporate the town of Dadeville, in Tallapoosa county—

And the bill for the relief of certain persons therein named—

Were read the second time,—rule suspended, read the third time forthwith, and passed.

The bill the more effectually to secure the costs to constables in the county of Marion, was read the second time, and ordered to be engrossed for a third reading.

The bill to authorize Aaron A. Burleson to establish a ferry in Morgan county, was read the second time,—rule suspended, read the third time, and passed.

Joint resolutions in relation to the payment of the members of the General Assembly of the State of Alabama, were read the second time.

Mr. English moved to lay the resolutions on the table; which was lost.

Mr. Williams of J. moved to suspend the rule, and give the joint resolutions their third reading forthwith.

Mr. McClung moved to postpone the resolutions indefinitely; which was carried.

The bill to repeal an act entitled, an act to prevent the institution of illegal and oppressive suits in the United States courts, in this State, was read the second time, and referred to the committee on the judiciary.

Mr. Norman notified the House, that he would move to amend the rules for the government of the House.

The bill for the relief of tales jurors in the county of Covington, was read the second time,—rule suspended, read the third time, and passed.

The bill to locate permanently the site of justice in the county of Dale, and for other purposes, was read the second time,—rule suspended, read the third time forthwith, and passed.

And then the House adjourned.

TUESDAY, January 31, 1843.

The House met pursuant to adjournment.

Mr. Cooper presented the petition of John Pickett and others; which was referred to the committee on roads, bridges, and ferries.

Mr. Porter moved to suspend the rule, in order to take up the bill to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the several circuit courts of this State; which was carried.

The bill was then read the third time.

Mr. Calhoun moved to amend the seventh section, by inserting the words "March and September," after the word "in;" which was carried.

The question was then taken—shall the bill pass? and decided in the affirmative.—Yeas 60, nays 22.

YEAS—messrs. Abernathy, Banks, Barclay, Bishop, Bridges, Cain, Calhoun, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Kennedy of L. Lankford, Marchbanks, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morris, Morrisett, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Valliant, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Barron, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Dunn, Gasque, Hodges, Jones of G. Kendrick, Kidd, Morrison, Murphey, Smith of P. Smith of T. Ware, Watts, Williams of P. and Witherspoon.

Mr. English, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to incorporate the Columbia Male and Female Institute in Henry county:

An act to compensate the commissioners' of roads and revenue of Marion county:

And an act to amend an act, entitled an act to incorporate the Oak Bowery Male and Female Academy.

Mr. Witherspoon introduced a bill to authorize the commissioners' court of Greene county, to erect a jail at Greensborough, for the safe keeping of slaves levied on under execution; which was read the first time.

On motion of Mr. Witherspoon, the bill was read the second time.

Mr. Witherspoon moved to refer the bill to a select committee, composed of the delegation from Greene county; which was carried.



Mr. Roby introduced a bill to authorize the tax collector of Morgan county, to receive jury tickets in payment of county taxes; which was read the first time, and ordered to a second reading.

Mr. Ware introduced a bill to alter a certain road therein named; which was read the first time, rule suspended, read the second time, rule further suspended, read the third time forthwith, and passed.

Mr. Porter presented the account of James T. Quarles; which was referred to the committee on accounts.

Mr. Dortch presented the account of Thomas P. Alston; which was referred to the committee on accounts.

Mr. Jones of G. from the committee on accounts, to whom was referred a bill to pay Goodridge Driver, reported the same back to the House without amendment, and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. Woodward, from the committee on roads, bridges and ferries, to whom was referred the petition of Willis Hunter, and associates, reported a bill to authorize Willis Hunter and his associates, to erect a toll gate on a certain road therein named; which was read the first time.

Mr. Smith of P. moved to lay the bill on the table; which was lost.

Mr. Whorton moved to suspend the rule, in order to give this bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr. Bridges, from the committee on ways and means, to whom was referred the account of George Weirs, reported the same back to the House, and requested that it be referred to the committee on accounts.

The report was concurred in, and the account so referred.

Mr. Cooper, from the committee on divorce and alimony, to whom was referred the record and decree of the Chancery court, of the county of Lowndes, in the case of Margaret J. Oliver vs. Creed T. Oliver, reported a bill to divorce Margaret J. Oliver, from her husband Creed T. Oliver, which was read the first time.

Mr. McClung moved to suspend the rule, in order to give this bill its second reading forthwith; which was carried.

The bill was then read the second time.

Mr. McClung moved a further suspension, to give this bill its third reading; which was carried.

The bill was then read the third time, and passed.

Mr. McClung, from the judiciary committee, to whom was referred a bill to impose a certain duty on constables, reported the bill back to the House, without amendment, and recommended its passage.

The bill was then read the third time, and passed.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills from the House of the following titles:

A bill to compensate Adam Zimmerman for two slaves executed in pursuance of law:

A bill in relation to seat of government lands at Cahawba:

A bill to extend the term of the circuit court of Marengo county, and for other purposes:

A bill to authorize the sale of property at the town of Fairfield, in Pickens county, and also at Greensborough, in Greene county, approved, December thirty-first, one thousand eight hundred and forty-one:

A bill to exempt certain persons in Mobile county, from working on the roads:

Joint resolutions in relation to the sixteenth section, township twenty, range eighteen, and amended the same as therein shown:

A bill to authorize the commissioners of the sixteenth section, township seven, range two, east, in the St. Stephens' land district, to rescind a certain contract therein described, and amended the same as therein shewn:

A bill for the relief of Charles Stone, and his wife Mary Stone:

A bill to authorize Samuel P. Jones to draw a certain sum of money therein named:

A bill for the relief of the legal representatives of John Scott, sen. deceased:

A bill to secure the performance of the duties of public ferrymen:

A bill to divorce certain persons therein named:

A bill to incorporate the Montgomery Hook and Ladder Company:

A bill to alter and amend the road law as to Marion county:

A bill in relation to justices' courts in Marshall county:

A bill for the relief of sundry citizens of Walker county:

A bill from the House in relation to the estates of deceased persons, was rejected by the Senate.

The Senate has passed a bill to authorize the President and Directors of the Bank of the State of Alabama, to appoint agents.

Mr. McClung, from the judiciary committee, to whom was referred a bill to give a lien to overseers for their wages, reported the bill back to the House, and recommended its passage, with the following amendments:

After the word "agreement," in the ninth line of the first section, insert the following words, "or shall have a note or bond given in consideration of his services."

Add the following section:

*And be it further enacted,* That any overseer having any claim as above provided for, may enforce his lien on the crop produced on the plantation of which he was overseer, by attachment, returnable before any justice, or court of record having jurisdiction of the amount, on giving bond and security, as is provided for in other cases of attachment, and on making affidavit of the amount due to him for his services as overseer, and that the affiant has reason to fear that he may lose his debt, by ordinary process of law; which attachment may be sued out and levied, either before or after the debt is due.

The amendments of the committee were concurred in.

The hour of twelve having arrived, the House resumed the consideration of the bill to provide a revenue for the support of the State government.

The question was on the motion of Mr. Porter to strike out the fifteenth section.

Mr. Calhoun moved to strike out the fifteenth section down to the word "and," in the fifth line, and insert the following:

"That the master and owners of all steamboats, shall pay a tax of twenty cents on every hundred dollars of the value of the same, which value shall be ascertained in the same way as is provided in the second section of this bill, and in default of payment of such tax so assessed, on any such boat, they shall be subject to be sold under an execution to be issued by the tax collector, in the same manner as other property."

A division of the question was called; which was first taken on striking out, and carried.

Mr. Bridges moved to amend the amendment by way of substitute, as follows:

That upon all capital or moneys invested in any steamboat plying upon any navigable stream in this State, twenty-five cents upon every hundred dollars of the amount so invested; the same to be rendered into the assessor as other taxables.

Mr. Barclay moved to lay the amendment and substitute on the table; which was carried.

The question was then taken on striking out the eighteenth section and carried.

Mr. Calhoun moved to amend, by additional sections, as follows:

*And be it further enacted*, That the judge of the county court and commissioners of roads and revenue in each county, shall, on the first Monday in March next, and annually thereafter, appoint a justice of the peace, or some other suitable person, in each beat, to assess the taxes in each beat, according to the provisions of this act, and said judge and commissioners are hereby authorized, at any time, to fill any vacancy of the office of assessor, in any way happening, and to prescribe the amount for which each assessor shall give bond, and to approve the securities thereto; which board shall give bond to the Governor and his successors in office.

Sec. 2. *And be it further enacted*, That said assessor shall first take an oath, faithfully to discharge the duties of assessor, and shall then proceed to assess all the taxable property in their respective beats, upon the oaths of the persons whose taxes are to be assessed, and in case such person shall fail or refuse to return their taxable property on oath, or said assessor shall be dissatisfied with such return, he shall proceed to assess the same himself, or call two disinterested free-holders to make such assessment on oath. Such assessor is authorized to administer all necessary oaths. Every person shall make return of his taxable property in the beat where he may reside. The assessors shall complete their assessment, and return the same to the clerk of the county court, by the first day of June, in each year. The assessor shall be entitled to fifty cents, which shall be paid by any person whose house he shall be required to visit to make his assessment. The assessor shall attend at least two days at the muster ground in his beat, to make assessments; notice of which shall be given ten days' beforehand.

Sec. 3. *And be it further enacted*, That on the return of the clerk of the county court, of the assessments from each beat, it shall be his duty.

by the first day of July, in each year, to consolidate the same, keeping each beat separate, and make three copies thereof, one of which he shall hand to the tax collector, one to the treasurer of his county, and forward the other forthwith to the Comptroller of Public Accounts, filing the original assessments in his office, open to the inspection of the citizens of his county.

*And be it further enacted,* That the tax collector shall be required to pay to the county treasurer one-half of the commissions allowed him by this act, to be, by the judge of the county court and commissioners of roads and revenue, distributed fairly and equitably among the different assessors according to the labor and services each have rendered.

That the Comptroller of Public Accounts shall, annually make out and forward to the clerk of the county court, a formula of the manner of assessment, to be made according to law, of which shall be furnished each person appointed assessor as aforesaid.

Mr. Barron moved to amend the amendment by way of proviso, as follows:

*“Provided,* That if any judge and commissioner of roads and revenue shall consider it to be the interest of the county not to appoint any separate assessor, they shall then direct the tax collector to proceed to assess and collect as heretofore provided by law.”

Mr. Hubbard moved to lay the amendment and amendment to the amendment on the table; which was lost.

Mr. English moved to lay the amendment to the amendment on the table; which was carried.

Mr. Barclay moved to amend the amendment by way of proviso, as follows:

*“Provided,* That if the said commissioners’ court should fail to appoint an assessor, for any beat, or if any assessor appointed according to the provisions of this section shall fail to act, it shall be the duty of the tax collector to assess the tax in each beat.”

Mr. English moved to lay the amendment to the amendment on the table; which was carried.

Mr. Calhoun moved to amend, to come in after the word “reside” in the second section of the amendment offered by him, as follows:—“Any person owning property in several beats of a county in which he does not reside, shall make a return thereof in any one of said beats as he may choose.” Which was carried.

Mr. Garland moved to amend the amendment as follows: “That the several tax collectors appointed by this bill shall be allowed the sum of three dollars for each day he shall be so employed.”

Mr. English moved to lay this amendment on the table; which was carried.

The amendment offered by Mr. Calhoun was then adopted. Yeas 56, Nays 17:

YEAS—Messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Dortch, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Jones of G. Kendrick,

Kidd, Lankford, Marchbanks, McClung, McMillion, Meriwether, Moore of M. Moore of P. Morris, Morrisett, Morrison, Mundy, Murphy, Norris, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Ware, Whorton, Williams of J. Williams of P. and Woodward.

NAYS—messrs. Speaker, Bridges, Douglass, Dubose, Dunn, Harrison, Hubbard, Kennedy of L. Mitchell, Morgan of C. Norman, Skipper, Storrs, Valliant, Walker, Watts, and Witherspoon.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, January 31st, 1843.

The House met pursuant to adjournment.

Mr. Rice moved to suspend the special order, to enable him to introduce a resolution; which was carried.

On motion of Mr. Rice,

*Resolved*, That the Senate be now invited into the Hall of the House of Representatives, for the purpose of going into the election of a President and three Directors of the Branch of the Bank of the State of Alabama at Mobile.

The Senate then repaired to the Hall of the House.

Mr. Moore of P. introduced the following recommendation:

“Mr. Edmund Harrison is indebted to the Branch Bank at Mobile, as principal, five hundred dollars. He is not under protest, and does not owe any thing to any other Bank in the State. He is solvent beyond doubt, and we consider him fully competent in every respect, to discharge the duties of President of the Branch Bank at Mobile.

The firm of Harrison & Blair, of which he is a member, is not under protest, and is entirely solvent. The firm of Harrison & Blair is endorser and acceptor, growing out of their regular business, to the amount of eleven thousand, one hundred and sixty-nine dollars, and eleven cents, but does not owe the State Bank, or any of its Branches, one dollar, as principal—and we consider the firm, beyond all doubt, as entirely solvent.

(Signed,)

T. L. TOULMIN,  
WALTER R. ROSS,  
AND E. HUNTER,

*Of the Senate.*

A. B. MOORE,  
W. S. MORGAN,  
J. W. DUNKLIN,

*Of the House of Representatives.*

I have not the slightest objection to the statement of the responsibility of Mr. E. Harrison, and Harrison & Blair, for all liabilities to the Banks. Mr. Harrison's business habits and engagements for many years that I have known him, assure me that he will attend strictly to the interests of the Bank.

(Signed,)

ISAAC H. ERWIN,  
*Of the House of Representatives.*

The two Houses then proceeded to the election of a President for the Branch of the Bank of the State of Alabama at Mobile—

*Edmund Harrison*, alone being in nomination, received one hundred and thirteen votes.

Mr. Creagh, of the Senate, voted for *Francis S. Lyon*.

Mr. Rice, of the House of Representatives, voted for *Samuel Clarke Dailey*.

Mr. Speaker declared *Mr. Harrison* to be duly and constitutionally elected President of the Branch Bank at Mobile.

The two Houses then proceeded to the election of three Directors for said Bank—His Excellency, the Governor, having, in pursuance of law, nominated the following gentlemen, from whom to make the selection—*James S. Deas, Wm. P. Gould, Robert L. Walker, Tristram B. Bethea, Seaborn Travis, Sanford Cooley*, and *Calvin Norris*.

Those who voted for *Mr. Deas*, are messrs. Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hunter, Jones, King, McAllister, McVay, Moores, Reese, Thornton, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Mundy, Morrison, Norman, Norris, Pettit, Porter, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of T. Storrs, Turner, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward, of the House—87.

Those who voted for *Mr. Gould*, are messrs. President, Baylor, Brindley, Buford, Dent, Fester, Hudson, Hunter, Jones, King, McClanahan, Moores, Oliver, Reese, Ross, Thornton, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Caffey, Campbell, Clay, Cochran, Crowder, Dunn, English, Erwin, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hill, Hubbard, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valliant, Walker, Ware, Watts, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward, of the House—84.

Those who voted for *Mr. Walker*, are messrs. President, Brindley, Dailey, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, Moores, Oliver, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F. of the Senate; and messrs. Banks, Cain, Clay, Cochran, Cooper, Dear, Douglass, Dunklin, Earle, English, Fletcher, Gasque, Griffin, Harrison, Hendrix, Hill, Hodges, Jones of Conecuh, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, Marchbanks, McClung, McMillion, Meriwether, Moore of M. Morris, Mundy, Oliver,

Porter, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Walker, Ware, Winston of DeK. and Witherspoon, of the House—61.

Those who voted for *Mr. Bethea*, are messrs. President, Baylor, Creagh, Dailey, Fleming, Hudson, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Bridges, Cain, Calhoun, Cochran, Dear, Dortch, Dubose, Findley, Garland, Gasque, Hubbard, Jones of Conecuh, Lankford, Martin, McLemore, Moore of P. Morris, Morrisett, Norman, Pickett, Robinson, Scott, Skipper, Turner, Valliant, Watts and Williams of J. of the House.

Those who voted for *Mr. Travis*, are messrs. Baylor, Creagh, Fleming, McConnell, McVay, Rodgers, Toulmin, Watkins and Watrous, of the Senate; and messrs. Speaker, Abernathy, Bridges, Campbell, Dortch, Dubose, Findley, Fowler, Hendrix, Hodges, Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Morgan of A. Morris, Morrison, Norman, Richeson, Smith of P. Valliant, Whorton, Williams of P. and Woodward, of the House.

Those who voted for *Mr. Cooley*, are messrs. Hunter and Phillips, of the Senate; and messrs. Banks, Caffey, Cooper, Crowder, Dear, Dortch, Douglass, Dunklin, Dunn, Earle, Erwin, Harris, Jackson, Jones of G. Kennedy of L. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Oliver, Pettit, Pickett, Robinson, Storrs and Whorton, of the House.

Those who voted for *Mr. Norris*, are messrs. Buford, Phillips, Rodgers and Reese, of the Senate; and messrs. Barron, Calhoun, Crowder, Jackson, Kidd, McCoy, Morgan of C and Norris, of the House.

One hundred and eighteen votes were given in.

*Messrs. Deas, Gould and Walker*, having each received a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama, at Mobile, for and during the time prescribed by law.

The Senate then withdrew to its chamber.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled—

An act to amend an act to create a certain county therein named, and for other purposes, approved December thirty-first, one thousand eight hundred and forty-one:

An act respecting roads in Fayette county:

An act for the support of paupers, in the county of Walker:

An act fixing the time of holding justices courts in Shelby county, and to establish jury trials in said courts.

An act to divorce Harriet Spriggs from her husband Erastus L. Spriggs:

An act to divorce Jane S. Wheeler from her husband Charles J. Wheeler:

An act relative to the records of Henry county:

An act concerning juries in the counties of Walker and Marion:

An act to divorce certain persons therein named:

And, an to incorporate the Oak Bowery male and female academy:

The House then resumed the consideration of the bill to raise a revenue for the support of the State Government:

Mr. Calhoun moved to amend by way of proviso, to come in at the end of the first section, as follows:

*"Provided, That no land shall be valued less than one dollar per acre."*

Mr. Hubbard moved to lay the amendment on the table; which was carried. Yeas 57, Nays 22:

YEAS—messrs. Speaker, Banks, Barclay, Bishop, Cain, Clay, Cooper, Dortch, Douglass, Dubose, Dunn, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Hendrix, Hill, Hodges, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Mitchell, Moore of M. Morgan of C. Norris, Morrison, Norman, Oliver, Pettit, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of P. Storrs, Valliant, Walker, Whorton, Williams of P. and Winston of DeK.

NAYS—messrs. Abernathy, Barron, Bridges, Caffey, Calhoun, Campbell, Dunklin, Erwin, Gasque, Harrison, Jackson, Morrisett, Mundy, Norris, Pickett, Scott, Smith of L. Smith of T. Ware, Watts, Williams of J. and Witherspoon.

Mr. Jackson moved to amend, by adding to the twenty-fifth line of the fifth section, the following:

On all lawyers and doctors, twenty-five cents on each hundred dollars of income, arising from professional services.

Mr. Jones of G. moved to amend the amendment, by adding the following:

And on all merchants, twenty-five cents on every hundred dollars of profit made on goods sold.

Mr. Calhoun moved to lay the amendment to the amendment on the table.

Mr. Williams of P. moved to include also the amendment.

Mr. Douglass moved to postpone the consideration of the amendment, and the amendment to the amendment, until the tenth February.

A division of the question was called; which was first taken on postponing until tenth February, the amendment to the amendment, and carried.

The question was then taken on postponing the amendment offered by Mr. Jackson—until tenth February—and was carried—Yeas 59, Nays 25:

YEAS—Messrs. Speaker, Barclay, Barron, Bishop, Caffey, Campbell, Clay, Cochran, Cooper, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Fletcher, Garland, Harris, Harrison, Hill, Hodges, Jones of Conecuh, Jones of C. Jones of G. Kendrick, Kennedy of L. Marchbanks, Martin, McClung, McCoy, McLemore, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Roby, Smith of P. Smith of T. Valliant, Williams of J. Williams of P. Witherspoon and Woodward.

NAYS—Messrs. Banks, Cain, Calhoun, Dear, Findley, Fowler,



Griffin, Hendrix, Hubbard, Jackson, Kennedy of M. Kidd, Lankford, McMillion, Pettit, Scott, Skipper, Smith of L. Storrs, Walker, Watts and Whorton.

Mr. Hubbard moved to amend, as follows:

Upon the fees, emoluments, earnings and gains of office, of all clerks, sheriffs or judges of the county courts, not receiving stated salaries, the sum of twenty-five cents, upon each hundred dollars of fees, emoluments and gains—to be ascertained on the oath of the respective sheriffs, judges or clerks.

Mr. Rice moved the previous question.

Mr. Norman moved to postpone the further consideration of the bill until to-morrow, and make it the special order for eleven o'clock of that day; which was lost.

The motion for the previous question was sustained—Yeas 41, Nays 40.

**YEAS**—messrs. Banks, Bishop, Campbell, Clay, Caffey, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Griffin, Harris, Harrison, Kendrick, Lankford, Martin, Marchbanks, McClung, McCoy, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Mundy, Oliver, Pettit, Porter, Rice, Roby, Skipper, Storrs, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Barclay, Barron, Bridges, Cain, Calhoun, Crowder, Earle, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, McMillion, Meriwether, Morrison, Norris, Norman, Pickett, Richeson, Robinson, Scott, Smith of L. Smith of T. Smith of P. Ware, Watts, Williams of P. and Witherspoon.

Mr. Cochran notified the House that he would move to reconsider this vote.

And then the House adjourned until half past six o'clock, P. M.

#### NIGHT SESSION, January 31, 1843.

The House met pursuant to adjournment.

Mr. McClung moved to suspend the special orders; which was carried.

The bill from the Senate for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county, was read the third time and passed.

The engrossed bill to amend the laws now in force in relation to insolvent estates, was read the third time.

Mr. Bridges moved to amend by way of engrossed rider, as follows:

*And be it further enacted,* That after any estate shall have been declared insolvent, it shall not be necessary that claims against such estate shall be presented to the executor or administrator, but may be filed with the clerk, without any such presentment.

Mr. McClung moved to amend the amendment, by adding the following proviso:

*Provided,* such claims are not already barred by the statute of non-claims; which was adopted.

The amendment offered by Mr. Bridges was then adopted.

The question was then put, Shall the bill pass? and decided in the affirmative.—Yeas 53, Nays 19.

YEAS—messrs. Speaker, Abernathy, Banks, Barron, Bridges, Caffey, Cain, Calhoun, Clay, Cochran, Cooper, Dear, Douglass, Earle, English, Fowler, Griffin, Harris, Harrison, Hendrix, Hill, Jackson, Jones of G. Kendrick, Kennedy of M. Kidd, Marchbanks, McClung, McLemore, Mirce, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Murphey, Norman, Norris, Oliver, Porter, Rice, Roby, Scott, Smith of T. Storrs, Tate, Valliant, Watts, Whorton, Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Barclay, Bishop, Campbell, Crowder, Dubose, Dunklin, Findley, Fletcher, Garland, Hubbard, Lankford, McMillion, Mundy, Pettit, Richeson, Skipper, Walker, Ware and Williams of J.

The engrossed bill to establish a board of physicians in the counties of Talladega, Chambers, and Barbour, was read the third time and passed.

The engrossed bill to regulate the management and expenses of the Bank of the State of Alabama and its several Branches, was read the third time—

Mr. Bridges moved to amend by way of engrossed rider as follows:

*And be it further enacted*, That hereafter the Bank attorneys of the Bank of the State of Alabama, and the several Branches, shall receive as compensation a tax fee, to be charged as follows: upon all judgments which he may obtain not over five hundred dollars, six dollars; and on all judgments over five hundred dollars and under one thousand eight dollars; and on all judgments over one thousand dollars, ten dollars; to be taxed in the bill of costs, and collected as other costs.

Mr. McMillion moved to amend the amendment by adding the following:

“And he shall not receive any other compensation whatever.”

Mr. Norman moved to lay both the amendments on the table; which was carried.

The question was then taken on the passage of the bill and carried.

The engrossed bill to authorize Henry Potter to erect a gate on his land over which runs the Saunders' ferry road:

The engrossed bill to repeal an act therein named;

The engrossed bill to authorize John Haughton to erect a mill on the west bank of the Coosa river:

And the joint resolutions in relation to the claims of the State of Alabama and the General Government, were severally read the third time and passed.

The joint resolutions from the Senate authorizing the purchase of chairs for the Supreme Court room, was read the third time.

Mr. Calhoun moved to amend by way of proviso:

*Provided*, That not more than three dollars a piece shall be paid for any chairs.

Mr. Erwin of G. (Mr. Rice in the chair,) moved the previous question; which was sustained, and the resolutions passed.

The engrossed bill for the relief of John H. Hurst, and Jordan Thornton, was read the third time and passed.

The bill from the Senate, to repeal an act entitled an act to incorporate the town of Talladega:

The bill from the Senate, providing for the payment of interest on the purchase money of sixteenth section, township nineteen, range five, east, in Talladega county:

The bill from the Senate, more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the Constitution of the State of Alabama—were severally read the third time and passed.

The engrossed bill to change the name of a certain person therein named and for other purposes, were read the third time and passed.

The joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes, was read the third time and passed.

The engrossed bill to regulate the sessions of the circuit court of Pickens, Fayette, and Walker counties, was read the third time and laid on the table.

The engrossed bill to extend the time for the removal of certain slaves emancipated by a decree of the county court of Clarke county:

The engrossed bill to amend an act entitled an act to incorporate the town of Warrenton, in the county of Marshall, were severally read the third time and passed.

The engrossed bill to regulate the assessing and collecting of taxes in Franklin county, was read the third time.

On motion of Mr. Griffin, laid on the table.

The engrossed bill extending to the county of Jackson the provisions of certain acts therein named:

The engrossed bill for the relief of Jane Doss:

The engrossed bill to divorce Benjamin Gleadall, from his wife, Ellen Gleadall—were severally read the third time and passed.

The engrossed bill to exempt certain property therein named from execution, was read the third time.

Mr. English moved to amend by way of engrossed ryder as follows:

Insert after the word "fodder," in the sixth line the words "and also one loom."

Which was adopted and the bill passed.

The engrossed bill for the better securing of fines and forfeitures in this State, was read the third time.

On motion of Mr. Moore of M. laid on the table.

The bill from the Senate, for the relief of Frances McCoy, was read the third time.

Mr. Erwin of G. (Mr. Rice in the chair,) moved to amend by way of engrossed ryder as follows:

Section — *And be it further enacted*, That the benefit of all the provisions this act shall be extended to and enjoyed by Semantha Wynn of Greene county, wife of James R. Wynn; which was adopted and the bill passed.

The caption was also amended by adding "and Semantha Wynn."

The engrossed bill to authorize Richard Greene, of Marengo county, to change guardianship of his ward, Seaborn Butler.

And the engrossed bill to amend the patrol law:

Were severally read the third time, and passed.

The bill from the Senate to establish a certain road in Shelby county, was read the third time, and passed.

Mr. Norman moved to suspend the orders of the day, to take up the resolution offered by him, proposing to change the rules of the House; which was lost.

The engrossed bill to regulate the practice in the Chancery courts in this State, was read the third time.

Mr. Campbell moved to lay the bill on the table; which was lost.

The question was then—Shall the bill pass? and negatived.

The engrossed bill in relation to a certain purchase of a part of section sixteen, township twenty, range fourteen, west, in Pickens county, was read the third time, and passed.

The engrossed bill to add a portion of Wilcox county, to Marengo county, was read the third time, and passed.

Mr. Calhoun moved to take up the bills from the Senate on their second reading; which was carried.

The bill from the Senate, to regulate the mode of taking bonds by the judges of the county courts, in certain counties, was read the second time, rule suspended, read the third time, and passed.

The bill from the Senate, to extend an act, entitled an act granting certain privileges to Alexander Findley of De Kalb county, approved, December thirty-first, eighteen hundred and forty-one, was read the second time.

Mr. Calhoun moved to lay the bill on the table; which was lost.

Mr. Douglass moved to refer the bill to the committee on the judiciary; which was lost.

Mr. Fletcher moved to amend by an additional section, as follows:

That the provisions of the act be extended to the county of Marshall, so as to allow Jesse Cheek the same privileges.

The amendment was lost.

The rule was suspended, the bill read the third time, and passed.

Mr. Norman moved to suspend the rule, in order to take up the resolution proposing to amend the rules for the government of the House; which was lost.

And then the House adjourned until to morrow morning half past nine o'clock.

WEDNESDAY, February 1st, 1843.

The House met pursuant to adjournment.

Mr. Rice presented the account of James H. Owen; which was referred to the committee on accounts.

Mr. Jones of Conecuh presented the account of J. J. Lewis and others, which was referred to the committee on accounts.

Mr. Miree introduced a bill for the relief of Andrew Fuller and Susanoh Fuller; which was read the first time, rule suspended, read the second time, rule further suspended, read the third time forthwith, and passed.

Mr. Porter presented the petition of Michael Blocker, and others; which was laid on the table.

Mr. Pettit introduced a bill for the relief of the administrators of Wm. H. Betts; which was read the first time, rule suspended, read the second time, rule further suspended, read the third time forthwith and passed.

The House then proceeded to the consideration of the bill to give a lien to overseers for their wages.

Mr. McClung moved to amend by way of proviso, as follows:

*And provided further*, That if the employer of such overseer shall dispute the correctness of his demand, the same shall not be paid as above provided, until recovered by suit, by attachment as is herein provided; and on the suing out such attachment, an amount of property sufficient to pay the same, shall be recovered from sale by execution, or by the trustee as the case may be.

Mr. Dunn moved to amend the amendment by inserting after the word "overseer" the words "or such mortgage or trustee or plaintiff in execution."

Mr. Moore of P. moved to lay the bill and amendments on the table; which was carried.

Mr. McClung, from the judiciary committee, to whom was referred sundry resolutions proposing a change in the Constitution of this State, so as to legalize biennial sessions of the Legislature, and a reduction of the number of members thereof, reported the resolutions back to the House without amendment, and recommended their passage.

Mr. Calhoun moved to give the joint resolution a third reading forthwith; which was carried.

The joint resolutions were then read the third time.

Mr. English moved to amend by additional section, as follows:

*And be it further resolved*, That the next annual election for Representatives, commencing on the first Monday in August, shall continue two days, for the purpose of giving electors ample time to vote upon the several questions submitted to them by the present legislature; and said elections shall close on the second day at the times at which they close under existing laws on the first day.

Mr. Garland moved to lay the amendment on the table; which was carried.

The question was then put, shall the joint resolutions pass? and decided in the affirmative—Yeas 62—nays 24.

**YEAS**—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Clay, Dear, Douglass, Dubose, Dunklin, Earl, English, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hill, Jones of Conecuh, Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrison, Mundy, Norman, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Storrs, Tate, Turner, Valliant, Walker, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

**NAYS**—messrs. Banks, Bridges, Campbell, Cochran, Cooper, Crowder, Dortch, Dunn, Erwin, Gasque, Gamble, Jackson, Jones of C. Jones of G. McLeomore, Meriwether, Morrisett, Norris, Oliver, Skipper, Smith of T. Watts and Witherspoon.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to incorporate the Columbia Male and Female Institute, in the county of Henry:

An act to compensate the commissioners of roads and revenue in Marion county:

Which bill originated in the House of Representatives.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills:

A bill to give securities the remedy of attachment.

A bill to remove unnecessary delay and to avoid unnecessary expense in suits of chancery:

A bill to establish lost records in Henry county:

And a bill to confirm the emancipation of certain slaves therein named.

Mr. Erwin moved to suspend the call for reports from standing committees; which was carried.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House:

A bill to provide for the recovering of the State Capitol:

A bill to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a certain contract therein described:

A bill to fix the compensation of the judge of the county court of Mobile county, and amended the same as therein shewn:

Joint resolutions in relation to a certain sixteenth section, therein named:

The Senate concurs in the amendment made by the House, to the bill to place in liquidation the Branch of the Bank of the State of Alabama at Huntsville:

The Senate has passed joint resolutions of the General Assembly in relation to the election of members of Congress:

The Senate has adopted a resolution, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday, fourth Febauary, for the purpose of electing a

President and three Directors of the Branch of the Bank of the State of Alabama at Decatur.

Mr. Erwin, from the select committee, composed of the delegation from Mobile, to whom was referred a bill to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes, reported the same back to the House, with the following amendments, and recommended its passage:

At the end of the third section add the following:

*Provided*, That the power to tax real estate in said city, shall not exceed the present rate of taxation.

In the eleventh line of the fourth section, after the word "company," the following: "With the consent of the said company, or in some other suitable place of deposit, to be selected by the Mayor, Aldermen and Common Council of Mobile, in case said company shall refuse to receive it."

Strike out in the fifth section, from the word "residing" to the word "transacting," inclusive, and insert in lieu thereof the following: "Who shall not permanently reside in the city or county of Mobile, and who shall transact."

At the end of the sixth section, add the three following sections:

Sec. —. In addition to the powers heretofore granted to the corporate authorities of Mobile to assess taxes, they are hereby authorized to assess a tax of not exceeding twenty-five dollars, upon all persons trading or doing business in the city of Mobile, who are residents of the city or county of Mobile, for the privilege of carrying on such trade or business: *Provided*, That this section of the act shall not apply to persons who pay a tax on real or personal property to the amount aforesaid; and all assessments paid by any person upon personal or real property shall be deducted from the assessment under this section of this act, and the remainder shall not exceed the sum aforesaid.

Sec. —. That the corporate authorities aforesaid shall have the power to assess and collect a tax not exceeding twenty cents upon every hundred dollars of property, on the wharves of the city of Mobile, or on shipboard, or otherwise, before the same shall be stored: *Provided*, That this section shall not be considered to allow any assessment on cotton or other staple production imported into the said city from the interior of the States of Alabama or Mississippi.

Sec. —. That the corporate authorities of the city of Mobile, after the passage of this act, shall not be permitted to purchase real estate or borrow money, or create any new debt for the purpose of profit or improvement, without the concurrence of the Mayor and Board of Aldermen and Common Council, at their regular meetings, upon a full attendance of all the members of both boards, at a time when there shall be no vacancies in either, and none dissenting to the act; which facts shall all appear on the minutes of the corporation, and any contract made in violation of this act, shall be wholly null and void, incapable of being ratified or confirmed, except in the manner heretofore specified.

After the words "Trust company," in the eighth section add the words "or other depository selected as aforesaid."

After the words "Trust Company," in the ninth section, add the words "or other depository."

Add at the end of the bill, the following section:

That after the passage of this act, it shall not be lawful for the members of the Board of Aldermen or Common Council, to make any contract with the corporate authorities to do any work or perform any service for the same; nor shall any appropriation be valid that shall be made for this purpose.

Add at the end of the bill, the following section:

*And be it further enacted,* That in the expenditures of the funds of said city, derived from taxation, the Mayor, Aldermen, and Common Council, shall have a careful regard to the appropriation of the same to the improvement of the different wards of said city, in proportion to the amount of taxes paid by each ward.

Mr. Calhoun moved to refer the bill to the judiciary committee; which was lost.

Mr. Calhoun moved to amend the bill by way of proviso, as follows:

*Provided,* That the General Assembly shall have powers at any time hereafter, to alter or repeal any of the provisions of this act, except those contained in the first section.

Mr. McCoy moved to lay the amendment on the table.

The hour of twelve having arrived—

The House resumed the consideration of the bill to raise a revenue for the support of the State Government.

The vote sustaining the previous question on this bill, was reconsidered.

The question was on the amendment of Mr. Hubbard; which was cut off by the previous question.

Mr. Moore of M. moved to lay the amendment on the table; which was carried.

Mr. Calhoun moved to amend, by striking out the word "July" where it occurs in the twenty-fifth line of the fifth section, and inserting in lieu thereof, the words "the twentieth of May;" which was carried.

Mr. Calhoun moved to amend, by striking out the word "collector," where it occurs in the thirty-fifth line of the fifth section, and insert in lieu thereof, the word "assessor;" which was carried.

Mr. Calhoun moved to amend, by striking out the words "assessor and," where they occur in the twelfth section; which was adopted.

Mr. Calhoun moved to amend, by inserting after the words "dollars and," in the thirty-seventh line of the fifth section, the words "the collectors;" which was adopted.

Mr. Hubbard moved to amend, by striking out in the fifteenth line of the fifth section, the words "per annum, or commission accruing to any broker or dealer upon," and insert the words "for discount or premium taken by such broker or dealer in;" which was adopted.

Mr. Barclay moved to amend, by striking out the word "thirty" in the sixth line in the seventh section.



Mr. Rive moved the previous question; which was sustained.—Yeas 43, nays 39:

YEAS—messrs. Speaker, Banks, Barron, Caffey, Cain, Campbell, Cochran, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Griffin, Harris, Harrison, Hendrix, Kendrick, Kennedy of M. Lankford, Marchbanks, McClung, McCoy, Mitchell, Moore of M. Moore of P. Morrisett, Porter, Rice, Roby, Skipper, Smith of P. Ware, Whorton, Walker, Williams of J. Williams of P. Winston of DeK. and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bridges, Calhoun, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kidd, Martin, McMillion, Meriwether, Morgan of C. Morrison, Mundy, Norman, Norris, Oliver, Pettit, Richeson, Robinson, Scott, Smith of L. Smith of T. Storrs, Tate, Turner, Watts, and Witherspoon.

The question was then taken on ordering the bill to be engrossed, and decided in the affirmative.—Yeas 71, nays 11:

YEAS—messrs. Speaker, Abernathy, Banks, Barron, Caffey, Calhoun, Campbell, Cochran, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morris, Morrisett, Morrison, Mundy, Norris, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—Messrs. Barclay, Bishop, Bridges, Cain, Hubbard, Kidd, Jones of Conecuh, McMillion, Morgan of C. Oliver, Skipper, and Storrs.

And then the House adjourned until three o'clock, p. m.

Afternoon Session, February 1, 1813.

The House met pursuant to a Rournment.

Mr. Calhoun moved to suspend the special orders; which was lost.—Yeas 36, nays 39:

YEAS—messrs. Abernathy, Barclay, Bishop, Caffey, Calhoun, Campbell, Cochran, Cooper, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Griffin, Henley, Hill, Kennedy of M. Lankford, Martin, McClung, McMillion, Miree, Moore of M. Moore of P. Morris, Morrisett, Mundy, Porter, Robinson, Roby, Scott, Skipper, Tate, Williams of J. and Williams of P.

NAYS—messrs. Speaker, Barron, Cain, Crowder, Dear, Douglass, Dunn, Erwin, Garland, Gasque, Harris, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kidd, Marchbanks, McCoy, McLemore, Meriwether, Morgan of C. Morrison, Norman, Norris, Oliver, Pickett, Rice, Richeson, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. Witherspoon, and Woodward.

The House then proceeded to the consideration of the special orders.

The joint resolutions in relation to the collection of debts due the Bank of the State of Alabama and its several Branches, were taken up, and on motion of Mr. Campbell, were laid on the table.

The bill for the final settlement of the Planters' and Merchants' Bank of Mobile was taken up.

Mr. Campbell moved to lay the bill on the table; which was carried.

The House then took up the resolution offered by Mr. Hubbard, in relation to the basis of congressional representation.

Mr. Calhoun moved to lay the resolutions on the table.

Mr. Norris moved to postpone the resolutions until to-morrow, and make them the special order for that day.

Mr. McClung moved to postpone until Monday next, and make them the special order for eleven o'clock of that day: which was carried.

Mr. Rice moved to suspend the forty-second and forty-third rules; which was carried.

Mr. Campbell, from the committee on the State Bank and Branches, to whom was referred the bill to regulate the Bank of the State of Alabama, and the Branches at Huntsville and Montgomery, reported the same back to the House, with sundry amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

The bill to regulate the Branch Bank at Huntsville was taken up, and on motion of Mr. Campbell, was laid on the table.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act for the relief of the legal representatives of John Scott, sr., deceased:

An act for the relief of Charles Stone, and his wife, Mary Stone:

An act to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county; also, at Greensborough, in Greene county, approved December thirty-first, eighteen hundred and forty-one:

An act to secure the performance of the duties of public ferrymen:

An act to authorize the commissioners of the sixteenth section, township seven, range two, east, in St. Stephens' land district, to rescind a certain contract therein described:

An act to incorporate the Montgomery Hook and Ladder Company:

An act relative to justices' courts in Marshall county:

An act to compensate Adam Zimmerman for two slaves executed in pursuance of law:

An act to alter and amend the road law, as to the county of Marion.

Mr. Jones of G. moved to take up the bill making appropriations for the payment of certain claims against the State.

Mr. Rice moved to amend, by adding: "to Wm. C. Murphey, the sum of eleven dollars, for services rendered a State prisoner confined in the jail of Morgan county."

Mr. Martin moved to lay the amendment on the table; which was carried.

Mr. Porter moved to amend, by striking out "twenty-three," and inserting "forty," in the appropriation to A. Lynch; which was adopted.

Mr. McClung moved to amend, by adding as follows:

To Stephen Sparks, the sum of ninety-eight dollars, for services as special sergeant-at-arms; which was adopted.

Mr. Jones of G. moved to amend, by striking out the word "fourteen," in the appropriation to W. P. Peters, and insert the words "thirty-four;" which was carried.

Mr. Watts moved to amend, as follows:

To Wm. Long, the sum of ninety-two dollars and twenty-seven cents, for services and expenses in bringing a criminal from Florida, by order of the Governor; which was adopted.

Mr. Calhoun moved to amend, as follows:

To Thomas P. Mitchell and William M. Montgomery, each, the sum of fifty-two dollars, for services rendered the joint examining committee, at this session.

The amendment was adopted.

Mr. McMillion moved to amend, by adding the words "and forty-two," after the word "hundred," in the appropriation to A. G. P. Britain.

And then the House adjourned until half past nine o'clock, to-morrow morning.

THURSDAY, February 2, 1843.

The House met pursuant to adjournment.

Mr. Jones of Conecuh, introduced a bill for the relief of Adaline Deavreux: which was read the first time, rule suspended, read the second time forthwith, and on motion of Mr. Jones of Conecuh, referred to the committee on propositions and grievances.

Ordered, that leave of absence be granted to Mr. Henderson, after to-morrow, for the balance of the session.

Mr. Douglass presented the petition of Gideon Barnett; which was referred to the committee on county boundaries.

Mr. Smith of T. introduced a bill for the relief of Swepston Mitchell; which was read the first time, and the House refused to order the bill to a second reading.

Mr. Rice presented the account of James H. Owen; which was referred to the committee on accounts.

Mr. Moore of P. moved to suspend the call of counties in order to take up the bill to add a certain township therein named to Perry county; which was lost.

Mr. Winston of DeK. notified the House that he would move to reconsider the vote ordering the bill to raise a revenue for the support of the State government to a third reading, and also the vote sustaining the previous question on said bill.

Mr. Moore of M. from the committee on propositions and grievances to whom was referred a bill to compensate Daniel M. Forney, reported the same back to the House without amendment, and recommended its passage.

The name in the bill was amended so as to spell "Forney."

The bill was then read the third time and passed.

Mr. Kidd, from the committee on the military, to whom was referred joint resolutions from the State of Connecticut, on the subject of the repeal of the bankrupt law, reported that they were improperly committed, and should be referred to the committee on federal relations.

The House refused to concur in the report.

Mr. Kidd, from the same committee, to whom was referred the petition of Robert W. Vindell, of Limestone county, reported that the prayer of the petitioner ought not to be granted.

The report was concurred in.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a certain contract therein described:

An act to provide for the recovering of the State capitol:

Also, joint resolutions in relation to a certain sixteenth section therein named.

Mr. McClung, from the judiciary committee, to whom was referred a bill the more effectually to prevent the judges of county courts from appearing as counsel in certain cases, reported that it is inexpedient to legislate further on the subject.

On motion of Mr. McClung, the report and bill were laid on the table.

Mr. McClung, from the same committee, to whom was referred a bill to repeal an act entitled an act to prevent the institution of illegal and oppressive suits in the United States courts in this State, reported that it is inexpedient to pass said bill.

The report was concurred in.

Mr. McClung, from the same committee, to whom was referred a bill to amend the charter of the Life Insurance and Trust Company, reported the same back to the House without amendment and recommended its passage.

The bill was then read the third time and passed.

Mr. McClung, from the same committee, to whom was referred a bill to amend an act entitled an act to prevent surprise and injury to defendants in execution, reported the same back to the House without amendment and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. McClung, from the same committee, to whom was referred a bill giving justices of the peace jurisdiction of assaults and batteries and affrays, reported against its constitutionality.

The question was taken on ordering the bill to be engrossed for a third reading, and lost.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor did, on this day approve bills which originated in the House of Representatives of the following titles:

An act fixing the time of holding justices' courts in the county of Shelby, and to establish jury trials in said courts:

An act respecting roads in the county of Fayette:

An act to divorce Harriet Spriggs, from her husband Erastus L. Spriggs:

An act concerning sheriffs for the counties of Walker and Marion:

An act to divorce certain persons therein named:

An act to amend an act entitled an act to incorporate the Oak Bowery Male and Female Academy:

An act to amend an act to create a certain county therein named, and for other purposes, approved December thirty-first, one thousand eight hundred and forty-one:

An act to divorce Jane S. Wheeler, from her husband, Charles J. Wheeler:

An act in relation to the records of Henry county:

An act for the support of paupers in Walker county:

Mr. McClung, from the judiciary committee, to whom was referred a bill to prevent the alternation of the Judges of the circuit courts, reported the bill back to the House with the following amendment:

That so much of the proviso in the eighth section of an act, approved December fourteenth, one thousand eight hundred and thirty-nine, entitled an act to regulate the proceedings of the courts of law and equity in this State as requires the Judges of the circuit courts to alternate, so that no one Judge shall hold the courts of the same circuit for two courts in succession be and the same is hereby repealed.

Mr. Martin moved to postpone the bill and amendment indefinitely, which was carried.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act for the relief of sundry citizens of Walker county:

An act authorizing Samuel P. Jones, to draw a certain sum of money therein named.

An act to exempt certain persons in the county of Mobile from working on the roads:

An act regulating the place of holding the special terms of the circuit court of Mobile county, and for other purposes.

Mr. Walker, from the committee on privileges and elections, to whom was referred a bill to repeal an act entitled an act to prevent frauds in elections, approved January first, one thousand eight hundred and forty-two, reported the bill back to House and recommended that it do not pass.

The report was concurred in.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has originated and passed bills of the following titles:

An act to authorize the commissioners of the sixteenth section, township seventeen, range two, east, in Marengo county, to purchase a lot of land, and for other purposes:

An act to repeal all laws making appropriations to objects of internal improvement:

An act for the relief of Henry Lawrence:

An act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company:

An act to revive an act therein named:

An act to confirm the emancipation of certain slaves therein named:

Also, joint resolutions in relation to section sixteen, township nineteen, range two, east, in Talladega county.

The Senate concurs in the amendments made by the House to the bill establishing a board of physicians in the counties of Talladega, Cherokee, and Barbour; and have amended the amendment of the House, by striking out the words "Thomas D. Parke and."

The Senate has passed the following bills from the House:

An act concerning coroners:

An act for the relief of Alfred Fuller and his wife Susannah Fuller:

And an act concerning the Judge of the county court of Lowndes county.

The Senate rejected bills from the House of the following titles:

An act for the better regulation of taxing lands in this State, and for other purposes:

An act for the retrenchment of expenses in judicial proceedings.

The Senate concurs in the amendments made by the House to the following Senate bills:

An act for the relief of Alexander Campbell and other purchasers of school lands in Randolph county.

An act for the relief of Frances McCoy and Semantha Wynn:

And joint resolutions authorizing the purchase of chairs for the Supreme Court room.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed joint resolutions of the General Assembly of the State of Alabama, in regard to the payment of interest on the public debt.

The House then proceeded to the consideration of the bill in relation to school funds arising from sixteenth sections, in certain counties therein named.

The question was, on the motion of Mr. Campbell to postpone the bill indefinitely.

Mr. Barron moved to lay the bill on the table; which was carried.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred the petition of Ann Chambers, reported that it would be inexpedient to grant the prayer of the petitioner.

Mr. Morrisett moved to lay the report on the table; which was carried.

Mr. Hubbard, from the select committee, to whom was referred bills from the Senate for the relief of purchasers of sixteenth sections, unable

to pay for the same, reported a substitute; which was adopted in lieu of the bills referred, and was ordered to a third reading.

The House then resumed the consideration of the memorial and joint resolutions in regard to the Muscle Shoals canal in Lauderdale county.

The question was taken on the motion of Mr. Norman, to lay the joint resolutions on the table, and lost. Yeas 18—nays 54.

YEAS—messrs. Abernathy, Caffey, Cain, Cochran, Crowder, Dortch, Earle, Garland, Hill, Moore of P. Morris, Norman, Rice, Richeson, Skipper, Valliant, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Banks, Barron, Bishop, Bothwell, Calhoun, Cooper, Dear, Douglass, Dubose, English, Erwin, Findley, Fletcher, Fowler, Griffin, Hendrix, Hubbard, Jackson, Jones of C. Jones of G. Kendrick, Kennedy of M. Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norris, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Turner, Walker, Ware, Whorton, Watts, Williams of J. Williams of P. and Winston of DeK.

Mr. McClung moved the previous question; which was sustained.

The memorial and joint resolutions were then adopted.

Mr. Martin moved to suspend the orders of the day in order to introduce a resolution; which was carried.

Mr. Martin then introduced the following resolution:

*Resolved*, That, with the concurrence of the Senate, the General Assembly will adjourn *sine die*, on Saturday, the eleventh instant.

Mr. Campbell moved to lay the resolution on the table.

Mr. Erwin of G. (Mr. Rice in the Chair,) moved to postpone the resolution until Tuesday next, and make it the special order for eleven o'clock of that day; which was carried.

The House then resumed the consideration of the bill to enable the corporate authorities of the city of Mobile to provide for the payment and security of the debts of said city, and for other purposes.

The amendments of the select committee were concurred in—the bill was read the third time and passed.

Mr. Mitchell moved to suspend the orders of the day; which was carried.

Mr. Mitchell, from the select committee, to whom was referred a bill for the relief of Julia S. Sample, of Autauga county, reported the same back to the House, without amendment, and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. Campbell moved to suspend the special order, to take up the bill to regulate the Bank of the State of Alabama; which was carried.

The House then proceeded to the consideration of the bill to regulate the Bank of the State of Alabama.

Mr. Jones of G. moved to amend by way of engrossed ryder, as follows:

“That in purchasing exchange for the purpose of providing for the payment of the State bonds, or interest thereon, during the year eighteen hundred and forty-three, the said Bank shall use the specie under

its control, and shall not issue its own notes, or the notes of any Branch bank in purchasing exchange.

Mr. Smith of T. moved to postpone the bill and amendments indefinitely.

Mr. Calhoun moved the previous question; which was sustained. Yeas 57—nays 23.

YEAS—messrs. Speaker, Abernathy, Barron, Bridges, Caffey, Calhoun, Campbell, Cochran, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Griffin, Harris, Hendrix, Jackson, Jones of G. Kendrick, Lankford, Marchbanks, Martin, McCoy, McMillion, Miree, Mitchell, Moore of M. Moore of P. Morgan of C. Morris, Morrisett, Oliver, Pettit, Rice, Richeson, Robinson, Roby, Scott, Smith of P. Ware, Whorton, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Banks, Barclay, Bishop, Cain, Cooper, Garland, Hubbard, Jones of Cov. Kennedy of L. Kidd, McClung, Meriwether, Morrison, Mundy, Norman, Norris, Porter, Smith of L. Smith of T. Storrs, Tate, Valliant and Watts.

And then the House adjourned until three o'clock, P. M.

#### AFTERNOON SESSION, February 2, 1843.

The House met pursuant to adjournment.

Ordered, that leave of absence be granted to Mr. Williams of P. for four days.

The House resumed the consideration of the bill to regulate the Bank of the State of Alabama.

Mr. Moore of M. moved to reconsider the vote on the previous question of this morning; which was carried.

Mr. Martin moved to reconsider the vote ordering the bill to a third reading, and lost.

The question recurred on ordering the amendment of Mr. Jones of G. to a second reading, and was lost. Yeas 39—nays 47.

YEAS—messrs. Barron, Bridges, Caffey, Campbell, Cooper, Crowder, Dear, Dortch, Dunklin, Dunn, Earle, Erwin, Fowler, Gasque, Harris, Harrison, Hubbard, Jackson, Jones of G. Kendrick, Kidd, McCoy, McLemore, Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Pickett, Rice, Robinson, Roby, Smith of L. Walker, Ware, Watts, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Cain, Douglass, Dubose, English, Findley, Fletcher, Garland, Griffin, Hendrix, Hill, Jones of Covington, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morris, Morrison, Mundy, Norman, Pickett, Porter, Richeson, Scott, Skipper, Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of J. and Winston of DeK.

The question was then taken—Shall the bills pass? and decided in the affirmative. Yeas 49—nays 38.



**YEAS**—messrs. Barron, Caffey, Calhoun, Campbell, Crowder, Dear, Dortch, Dunklin, Dunn, Earle, English, Findley, Fowler, Griffin, Harris, Harrison, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, McClung, McCoy, McLemore, Miree, Mitchell, Moore of P. Morgan of C. Morrisett, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott, Tate, Ware, Watts, Winston of DeK. Winston of S. Witherspoon and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Cain, Cochran, Cooper, Douglass, Dubose, Fletcher, Garland, Gasque, Hendrix, Hill, Marchbanks, Martin, McMillion, Meriwether, Moore of M. Morris, Morrison, Mundy, Norman, Norris, Porter, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valiant, Walker, Whorton and Williams of J.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles:

An act to alter and amend the road law as to Marion county:

An act to authorize the commissioners of the sixteenth section, township seven, range two, east, in the St. Stephens' land district, to rescind a certain contract therein named:

An act to amend an act, entitled an act to authorize the sale of property in the town of Fairfield, in Pickens county; and also, at Greensboro', in Greene county, approved, December thirty-first, eighteen hundred and forty-one:

An act to compensate Adam Zimmerman for two slaves executed in pursuance of law:

An act relative to justices' courts in Marshall county:

An act to incorporate the Montgomery Hook and Ladder Company:

An act to secure the performance of the duties of the public ferrymen:

An act for the relief of Charles Stone, and his wife Mary Stone:

An act for the relief of the legal representatives of John Scott, sen. deceased:

An act regulating the place of holding the special term of the circuit court of Mobile county, and for other purposes:

Joint resolutions in relation to a certain sixteenth section therein named:

An act to provide for the recovering of the State Capitol:

An act to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a certain contract therein described:

An act authorizing Samuel P. Jones to draw a certain sum of money therein named:

An act exempting certain persons in the county of Mobile from working on roads:

An act for the relief of sundry citizens of Walker county:

Mr. Calhoun moved to suspend the special orders; which was carried.

The House then took up the bill to raise a revenue for the support of the State Government:

Mr. Campbell moved to amend by way of engrossed ryder, as follows:

*And be it further enacted*, That the taxes collected under this act, shall be applied to two objects. The specific taxes hereby laid, shall be applied to the support of the State government, and there shall be collected in addition, — per cent. on each of the articles of taxation mentioned in the second, third, fourth and fifth sections, to be assessed and collected as in the manner heretofore specified. which taxes shall be applied to the payment of the interest on the State Bonds.

Mr. Erwin of G. (Mr. Rice in the Chair,) moved the previous question, which was not sustained—yeas 43, nays 44:

YEAS—messrs. Speaker, Abernathy, Barclay, Caffey, Calhoun, Findley, Fletcher, Fowler, Garland, Griffin, Hendrix, Hill, Kennedy of M. Lankford, Marchbanks, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Norman, Pickett, Rice, Richeson, Roby, Scott, Smith of L. Smith of P. Smith of T. Turner, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Banks, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Dunn, Earle, English, Erwin, Gasque, Harris, Harrison, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, McClung, McCoy, McLemore, McMillion, Mitchell, Mundy, Norris, Oliver, Pettit, Porter, Robinson, Skipper, Storrs, Tate, Valliant, Walker, Ware, Watts, and Witherspoon.

And then the House adjourned until half past six o'clock, P. M.

#### NIGHT SESSION, February 2d, 1843.

The House met pursuant to adjournment.

Mr. Calhoun notified the House that he would move to reconsider the vote on the passage of the bill to regulate the Bank of the State of Alabama.

Mr. Jones of G. moved to take up the bill making appropriations for the payment of certain claims due by the State; which was carried.

The House then proceeded to the consideration of the bill.

The question was taken on the motion of Mr. McMillion to amend by inserting the words "forty-two," after the word "hundred," in the appropriation to W. P. Britain; which was lost.

Mr. Norris moved to recommit the bill to the committee on accounts; which was lost.

Mr. McClung moved to amend by adding the following:

"To Samuel Peete, Edwin R. Wallace, and Alexander B. Meek, the sum of two hundred dollars each, for services rendered as commissioners in examining Clay's Digest."

The amendment was adopted.

Mr. Cooper moved to amend by adding the following:

"To Lansford Stallings, deputy sheriff of Cherokee county, the sum of forty-five dollars and sixty-two and a half cents, for conveying prisoners, &c. under a writ of habeas corpus."

Which was adopted.

The bill was read the third time, and passed.

Mr. Erwin of G. (Mr. Rice in the Chair,) moved to take up the bill from the Senate, to alter the mode of electing the Directors of the Bank of the State of Alabama, and the several Branches thereof; which was carried.

Mr. Erwin of G. moved to amend by striking out all after the enacting clause, and inserting as follows:

Section —. That it shall be the duty of the Governor to nominate to both branches of the General Assembly, the number of Directors prescribed by law for the Bank of the State of Alabama, and its Branches; and if a majority shall advise and consent to such nominations, the nominees shall be directors for the time prescribed by law; and if a majority shall not advise and consent to any nomination, such nominee shall be rejected, and the Governor shall again nominate, until the requisite number shall be obtained.

Sec. —. *And be it further enacted*, That as to all directors already elected for the present year, the foregoing provisions shall be in force from the passage of this act; and hereafter such nominations shall be made within ten days after the commencement of the annual sessions of the General Assembly.

Sec. —. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Mr. English moved to postpone the bill indefinitely.

Mr. Calhoun moved to lay the bill on the table; which was carried—yeas 38, nays 29:

YEAS—messrs. Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Crowder, Douglass, Dunn, English, Erwin, Fletcher, Fowler, Gasque, Griffin, Hendrix, Jackson, Kennedy of L. McCoy, Meriwether, Morgan of C. Morrisett, Norris, Oliver, Pickett, Porter, Rice, Richeson, Roby, Skipper, Smith of T. Storrs, Tate, Ware, Watts, Whorton, Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Abernathy, Campbell, Cooper, Dubose, Dunklin, Earle, Findley, Garland, Hill, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Lankford, Marchbanks, McClung, McMillion, Moore of M. Moore of P. Morgan of A. Morrison, Mundy, Norman, Smith of P. Turner, Walker, Williams of J. and Witherspoon.

Mr. Jones of G. moved to take up the bill for the relief of certain persons therein named; which was carried.

The bill was read the second time.

Mr. Jones of G. moved to amend by striking out the words “five hundred,” in the appropriation to Bull & Files, and inserting the words “one thousand;” which was lost.

The bill was read the third time forthwith, and passed.

Mr. Barclay moved to take up bills from the Senate on their second reading; which was carried.

The bill from the Senate, to incorporate the Male and Female Academy, in the village of Turnbull, in Monroe county, was read the second time, rule suspended, read third time, and passed.

The bill from the Senate, to repeal, in part, a certain act therein named, was read the second time, and referred to the committee on propositions and grievances.

The bill from the Senate, for the relief James T. Lindsay, was read the second time.

Mr. Barclay moved to suspend the rule, to give this bill its third reading forthwith; which was lost.

The bill was ordered to a third reading.

The bill from the Senate authorizing the judge of the county court of Lowndes county, to sell certain lands, the property of Robert C. and Matilda F. Beattie, was read the second time, and referred to the judiciary committee.

The bill from the Senate, to revive and continue the President and Trustees of the Pineland Academy, in Mobile county, as a body corporate, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to reduce the salaries of Bank officers, was read the second time, and laid on the table.

The bill from the Senate, to regulate the expenditures of the county of Mobile, and for other purposes, was read the second time, and referred to the select committee composed of the delegation from Mobile county.

The bill from the Senate, to change the direction of tax fees in the counties of Talladega, Cherokee and Tallapoosa, was read the second time.

Mr. Cooper moved to amend the bill, by striking out the word "Cherokee," where it occurs; which was carried.

Mr. Cooper moved also to amend the bill, by striking out the word "Tallapoosa;" which was carried.

Mr. McClung moved to strike out the word "Talladega;" which was carried.

On motion of Mr. McClung, the bill was laid on the table.

The bill from the Senate, explanatory of certain joint resolutions therein named, was read the second time, rule suspended, read third time, and passed.

The bill from the Senate, to amend the laws in regard to the limitation of actions, was read the second time, and referred to the judiciary committee.

The bill from the Senate, to be entitled an act to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, was read the second time.

Mr. Porter moved to amend the bill, by striking out all after the enacting clause, and inserting a substitute.

Mr. Calhoun moved to amend the amendment.

Mr. Hubbard moved to refer the bill and amendments to the judiciary committee; which was carried.

Mr. Norman moved to suspend the orders of the day, and take up the following resolution, offered by him a few days since:

*Resolved*, That the rule of this House, requiring night sessions, be so

amended, as to require this House to meet at seven o'clock, P. M., and sit until nine o'clock, P. M.

The resolution was taken up, and adopted.

The bill from the Senate, to regulate, in part, the duties of the Treasurer of Montgomery county, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to authorize the judge of the county court and commissioners of roads and revenue, of Dallas county, to execute titles to certain real estate :

And the bill from the Senate, to change the time of holding the county court of Bibb county, were severally read the second time, rule suspended, read the third time forthwith, and passed.

The bill from the Senate, to regulate the rate of interest, was read the second time, and referred to the judiciary committee.

The bill from the Senate, for the relief Mary Jane Jones, was read the second time.

Mr. Fletcher moved to amend, by additional section, as follows :

Sec. 2. *And be it further enacted*, That all the provisions of the first section of this act, shall be extended to Elizabeth Revis, wife of Edward Revis, of Marshall county.

The amendment was adopted—the bill received its third reading forthwith, and passed. The caption was also amended.

The bill from the Senate, for the relief of Mildred Hogue :

The bill from the Senate, to regulate the compensation of jurors and witnesses, in Talladega county, and for other purposes :

And the bill from the Senate, to authorize James J. McQueen to erect a toll bridge across Pentlala creek, were severally read the second time, rule suspended, read the third time, and passed.

And then the House adjourned.

FRIDAY, February 3, 1843.

The House met pursuant to adjournment.

Mr. Barclay notified the House, that he would move to reconsider the vote on the passage of the bill to compensate jurors and witnesses in Talladega county.

Mr. Moore of P. moved to suspend the twenty-sixth rule, in order to take up the bill from the Senate to attach a certain township therein named to Perry county ; which was carried.

The House then proceeded to the consideration of the bill.

Mr. Moore of P. moved to give the bill its second reading forthwith ; which was carried.

The bill was read the second time.

Mr. Witherspoon moved to lay the bill on the table ; which was lost.  
—Yeas 33—nays 43.

YEAS—messrs. Speaker, Caffey, Cain, Crowder, Dunn, Erwin, Harris, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, McLemore, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Rice, Roby, Scott, Skipper, Smith

of T. Storrs, Ware, Whorton, Winston of S. Witherspoon and Woodward.

**NAYS**—messrs. Banks, Barclay, Barron, Bishop, Bridges, Calhoun, Cochran, Cooper, Dortch, Douglass, Dubose, Earle, Findley, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of C. Kidd, Lankford, Marchbanks, Martin, McMillion, Miree, Moore of P. Morrison, Mundy, Murphey, Norman, Pettit, Porter, Richeson, Smith of L. Smith, of P. Tate, Watts, Williams of J. and Winston of DeK.

The question was then taken on ordering the bill to a third reading, and lost.—Yeas 20—nays 61.

**YEAS**—messrs. Barron, Bridges, Calhoun, Cochran, Douglass, Garland, Harrison, Hendrix, Hubbard, Lankford, Miree, Moore of P. Mundy, Porter, Robinson, Smith of T. Valliant, Ware, Watts and Winston of DeK.

**NAYS**—messrs. Speaker, Bishop, Bothwell, Cain, Clay, Cooper, Crowder, Dortch, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gasque, Griffin, Harris, Jackson, Jones of Conecuh, Jones of C. Jones of G. Kendrick, Kennedy of M. Kennedy of L. Kidd, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Murphey, Norman, Oliver, Pettit, Pickett, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of P. Storrs, Tate, Turner, Walker, Whorton, Williams of J. Witherspoon and Woodward.

Mr. Porter presented the account of M. W. Lindsay; which was referred to the committee on accounts.

Mr. Griffin presented the account of D. B. Worall; which was referred to the committee on accounts.

Mr. Scott introduced joint resolutions in regard to the expense accounts of the Bank of the State of Alabama and its Branches; which were read the first time.

Mr. Robinson moved to suspend the rule in order to give the joint resolution a second reading forthwith; which was carried.

The joint resolutions were read the second time.

On motion of Mr. Robinson, the rule was further suspended—the bill read the third time, and passed.

Mr. Storrs, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles:

An act concerning the judge of the county court of Lowndes county:

An act for the relief of Alfred Fuller and his wife Susannah Fuller:

An act concerning coroners:

And an act to pay Goodridge Driver.

Mr. Bridges introduced a bill to provide a fund and to make appropriations to defray the expenses of the present General Assembly, and for the Civil List, for the year eighteen hundred and forty-three; which was read the first time—rule suspended; read the second time forthwith.

On motion of Mr. Bridges, was referred to the committee of ways and means.

Mr. Erwin, from the committee on the Penitentiary, to which so much of the Governor's message as related to the Penitentiary, reported, a bill

to reduce the pay of the Inspectors of the Penitentiary, and define their duties, and for other purposes; which was read the first time—rule suspended; read the second time—rule further suspended; read the third time forthwith, and passed.

Mr. English, from the committee on enrolled bills, reported, as correctly enrolled:

An act for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county:

An act for the relief of Frances McCoy and Semantha Wynn:

And joint resolutions authorizing the purchase of chairs for the Supreme court room.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred the bill for the relief of Adaline Deavreaux, reported the same back to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Erwin, from the committee on the Penitentiary, to whom was referred joint resolutions to authorize the Warden of the Penitentiary to appoint a deputy Warden, reported the same back to the House; and recommended its passage, with the following amendment:

After the figures "eighteen hundred and forty-one," insert the words, "*it was Resolved by the General Assembly of the State of Alabama.*"

The amendment being concurred in, the bill was read the third time forthwith.

On motion of Mr. Moore of M. was laid on the table.—Yeas 46—nays 39.

YEAS—messrs. Bothwell, Bridges, Cain, Dear, Douglass, Dubose, Dunn, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Jones of Conecuh, Jones of C. Kennedy of M. Kennedy of L. Kidd, Lankford, Marchbanks, McClung, McMillion, Meriwether, Miree, Moore of M. Morris, Morrisett, Norman, Norris, Pettit, Pickett, Porter, Richeson, Robinson, Roby, Scott, Smith of L. Tate, Valliant, Walker, Whorton, Wiaston of DeK. Winston of S. and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bishop, Caffey, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Dunklin, English, Erwin, Harris, Hill, Jackson, Jones of G. Kendrick, Martin, McCoy, McLeMore, Mitchell, Morgan of A. Morgan of C. Morrison, Mundy, Murphey, Oliver, Rice, Smith of P. Smith of T. Storrs, Turner, Ware, Watts, Williams of J. and Witherspoon.

Mr. Porter moved to suspend the orders of the day; which was carried.

Mr. McClung, from the judiciary committee, to whom was referred the bill from the Senate, to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, reported the same back to the House with the following amendments:

Strike out the first section after the enacting clause, and insert,

1st. That the clerk of the Supreme court, shall receive twenty five per cent. upon the fees that are now allowed to clerks of the circuit and county courts

2d. That the clerks of the circuit and county courts, and sheriffs shall

receive the sum of fifty dollars in lieu of the sum now allowed to be paid as heretofore.

3d. The judges of the county courts shall, in place of the fees now allowed by law, receive the following fees:

For granting letters testamentary, or of guardianship, or of administration, one dollar and fifty cents;

On judgments and decrees, two dollars;

For any order necessary in any matter over which said judges have jurisdiction, fifty cents;

For examining, stating and reporting the account of an executor, guardian, or administrator, two dollars;

Which last fee shall include compensation for examining vouchers, and performing every service connected with the partial or final settlement of an estate, except the grant of letters and necessary orders;

For every day employed in the settlement of an estate, one dollar and fifty cents.

4th. That the register in chancery, shall receive the following fees, and none other:

For each subpoena, ten cents;

For entering each return, ten cents;

For entering each decree, twenty cents;

For each copy of bill or answer, ten cents for every hundred words;

For each report, one dollar;

For making a complete record, ten cents for every hundred words;

For each execution, twenty-five cents;

Commissions on sales for the first hundred dollars, two per cent;

For all over one hundred and under one thousand dollars, one per cent;

For all sums over one thousand dollars, one half per cent.

Which commissions shall be collected upon the amount for which the property shall be sold;

For making a deed to property sold, one dollar;

For each bond taken and approved, twenty-five cents;

For each certificate and official seal, twenty-cents;

For every paper or record not included in the above, ten cents for every hundred words copied or recorded.

5th. That no sheriff or coroner shall charge commissions upon any execution, unless such execution shall have been actually levied upon the property of the defendant, and the money made thereon, or proceedings upon such levy be staid by the order of, and the money paid to the plaintiff.

And, when after a levy of execution upon the property of the defendant, the proceedings upon such levy, are stayed by any process of the law, the sheriff or coroner shall not be entitled to share half commissions. All commissions to be calculated upon the value of the property levied upon: *Provided*, the same does not exceed the amount of the execution, the value of which property levied upon, shall be paid by two disinterested persons, to be selected by such sheriff or coroner.

6th. That no officer entitled to fees under this act, shall be entitled to receive or demand such fees, or any of them, unless the duty or service for which granted, shall be first performed.



7th. That the Judges of the several county courts shall demand and receive a fee for but one order in the grant of letters testamentary, or administration, or of guardianship; and a fee for but one decree in the settlement of insolvent and other estates.

8th. That clerks of the circuit courts, clerks of the county courts, registers in chancery, and all other officers entitled to fees or costs under this act, or any law now in force and not hereby repealed, shall on demand make out a bill of fees and costs, stating each item distinctly, and no fee shall hereafter be charged by, or allowed to, any of said officers for taxing costs or any copy thereof.

9th. That clerks of the county courts shall receive for a marriage license and bond one dollar and no more.

10th. That all laws interfering with the provisions of this act be and the same are hereby repealed, and the following section of the original bill:

Sec. 4. *And be it further enacted*, That if any of the officers herein named shall presume to demand and receive any other or higher fees than are prescribed by this act, he shall be liable in damages to the party aggrieved, for fourfold the fees unlawfully demanded and received, to be recovered in any court of competent jurisdiction, and moreover shall be liable to indictment, and on conviction may be fined any sum not exceeding one hundred dollars for each and every case, at the discretion of the jury trying the same.

Mr. Jones of G. moved to lay the bill and amendments on the table.

Mr. Campbell moved to postpone the bill until Monday next, and make it the special order for twelve o'clock of that day; which was lost.

Mr. Scott moved to strike out the words "shall receive the fees that are now allowed to the clerks of the circuit and county courts," in the amendment and insert the following: "Shall receive no higher or greater fees than the clerks of the respective circuit and county courts for like services."

A division of the question was called—which was first taken on striking out and carried.

Mr. Erwin of G. (Mr. Rice in the Chair,) moved to lay the amendment on the table; which was lost. Yeas 26—nays 55.

YEAS—messrs. Speaker, Barron, Calhoun, Campbell, Crowder, Dea Dortch, Dunn, Erwin, Gasque, Jones of G. McClung, McLemore, Moore of M. Morgan of C. Morrisett, Oliver, Pettit, Porter, Smith of L. Smith of T. Storrs, Ware, Williams of J. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Banks, Bishop, Bothwell, Bridges, Caffey, Cain, Cochran, Cooper, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Harrison, Harris, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McMillon, Miree, Mitchell, Moore of P. Morgan of A. Morris, Morrison, Mundy, Norris, Pickett, Rice, Richeson, Roby, Scott, Smith of P. Tate, Turner, Vahlant, Walker, Watts, Whorton, Winston of DeK. and Winston of S.

The amendment of Mr. Scott was then adopted.

The amendment of the committee as amended was adopted.

The bill was read the third time and passed.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills of the following titles:

A bill to alter a certain road therein named:

A bill to incorporate the town of Troy.

The Senate has rejected the bill to amend the patrol law.

The Senate has passed a bill authorizing John Irvin, of Lowndes county, to erect gates on certain roads therein named.

The House then resumed the consideration of the bill to raise a revenue for the support of the State government.

The question was on the amendment of Mr. Campbell.

And then the House adjourned until three o'clock, p. m.

#### AFTERNOON SESSION, February 3d, 1843.

The House met pursuant to adjournment.

Mr. Storrs, from the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined and find correctly enrolled, a memorial and joint resolutions to the Congress of the United States. The committee is aware that its duty is confined simply to comparing enrolled with engrossed bills, but it feels constrained to bring to the knowledge of the House, the fact that the memorial is confused, ungrammatical and tautological, arising, probably, from the hurry of composition.

Thereupon, Mr. Porter offered the following resolution:

*Resolved*, That the committee on enrolled bills be instructed to examine the memorial and joint resolutions of the State of Alabama to the Congress of the United States, and correct in the same any imperfections of language, and to cause the same to be enrolled.

Which was adopted.

The House then resumed the consideration of the bill to raise a revenue for the support of the State Government—the question pending on the amendment offered by Mr. Campbell.

Mr. Mundy moved to reconsider the vote taken yesterday on the call for the previous question; which was lost. Yeas 24—nays 53.

YEAS—messrs Bridges, Calhoun, Douglass, Earle, Findley, Fletcher, Garland, Hill, Marchbanks, McMillion, Meriwether, Miree, Moore of P. Morris, Morrison, Mundy, Pickett, Skipper, Smith of P. Smith of T. Storrs, Turner, Whorton, and Williams of J.

NAYS—messrs. Abernathy, Banks, Barron, Bishop, Caffey, Cain, Campbell, Clay, Cooper, Dear, Dortch, Dubose, Dunn, English, Erwin, Gasque, Harris, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, Moore of M. Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Porter, Rice, Richeson, Robinson, Roby,

Scott, Smith of L. Tate, Valliant, Walker, Ware, Watts, Winston of DeK. Winston of S. Witherspoon and Woodward.

And then the House adjourned.

### NIGHT SESSION, February 3d, 1843.

The House met pursuant to adjournment.

Mr. Barron moved to suspend the special order, to take up the bills from the Senate, on their second reading: which was carried.

The bill from the Senate concerning trustees, was read the second time, and referred to the judiciary committee.

The bill from the Senate, to repeal in part and amend an act to provide for the sale of land and slaves in the town of Decatur, in certain cases, approved January second, eighteen hundred and forty, was read second time, rule suspended, read the third time and passed.

The bill from the Senate, to amend an act entitled an act regulating punishments under the Penitentiary system, was read the second time and ordered to a third reading.

The bill from the Senate, authorizing proceedings at the instance of the State of Alabama, against owners of turnpike roads in certain cases, was read the second time, rule suspended, read the third time forthwith and passed.

The bill from the Senate, to authorize Charles McLemore and associates to build a bridge across the Tallapoosa river, was read the second time, rule suspended, read the third time and passed.

The bill from the Senate, to compensate Abraham Berry, of Tuscaloosa county, was read the second time, and, on motion of Mr. Barron, was referred to the committee on accounts.

The bill from the Senate, relative to commissioners courts of roads and revenue, for the counties of Montgomery and Lowndes, was read the second time, rule suspended, read the third time forthwith and passed.

The bill from the Senate, to regulate the admission of attorneys at law to practice in this State, was read the second time.

Mr. McClung moved to lay the bill on the table; which was carried.

The bill from the Senate, to levy a special tax in Talladega county, was read the second time,—rule suspended, read the third time, and passed.

The bill from the Senate, for the relief of Ellison Warren, was read the second time, and ordered to a third reading.

The bill from the Senate, for the relief of Walter Chiles, was read the second time,—rule suspended, read the third time, and passed.

The bill from the Senate, to require an extra term of the Chancery court to be held for Sumter county, was read the second time, and referred to a select committee—consisting of the delegations from Sumter, Greene, and Marengo.

The bill from the Senate, for the relief of Hiram A. Dufrease of Talladega county, was read the second time, and referred to the committee on accounts.

The bill from the Senate, to regulate the number and fix the pay of Directors and other officers of the State Bank and its several Branches, was

read the second time, and referred to the committee on the State Bank and Branches.

The bill from the Senate, to repeal the several acts making appropriations in aid of valueless sixteenth sections, was read the second time, and laid on the table.

The bill from the Senate, amendatory of an act entitled, an act for the better regulation of the State printing, and altering the mode of paying for the same, was read the second time.

Mr. Barron moved to amend, by striking out "fifteen," and inserting "twenty-five," in the fifth line of the first section.

Mr. Mundy moved the previous question; which was not sustained.—Yeas 20, nays 51:

**YEAS**—messrs. Speaker, Abernathy, Bishop, Clay, Dortch, Douglass, Dubose, Garland, Harrison, Hill, Marchbanks, Martin, Miree, Moore of P. Morrison, Mundy, Richeson, Skipper, Smith of P. and Smith of T.

**NAYS**—messrs. Banks, Barron, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Cooper, Crowder, Dear, Dunklin, Earle, Erwin, Findley, Fletcher, Gasque, Griffin, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Lankford, McClung, McCoy, McLemore, McMillion, Moore of M. Morgan of A. Morgan of C. Morris, Morrisett, Norris, Oliver, Pickett, Porter, Rice, Roby, Tate, Valliant, Ware, Watts, Whorton, Williams of J. Winston of DeK. Witherspoon, and Woodward.

The question then recurred on the motion of Mr. Barron, to strike out and insert.

A division of the question was called for; which was first taken on striking out, and carried.

The question was then taken on filling the blank with the word "twenty-five," and carried.—Yeas 51, nays 25:

**YEAS**—messrs. Banks, Barron, Cain, Calhoun, Cochran, Cooper, Crowder, Dear, Dortch, Dunklin, Earle, Erwin, Findley, Griffin, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, Lankford, Marchbanks, McClung, McCoy, McMillion, Miree, Moore of M. Morgan of C. Morris, Morrisett, Morrison, Norris, Oliver, Pickett, Porter, Rice, Robinson, Roby, Storrs, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Witherspoon, and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Bishop, Bridges, Caffey, Campbell, Clay, Douglass, Dubose, Fletcher, Garland, Gasque, Harrison, Hill, Kendrick, Martin, McLemore, Moore of P. Morgan of A. Mundy, Norman, Richeson, Skipper, Smith of P. and Smith of T.

Mr. Bridges moved to fill the blank in the second section with the word "four;" which was carried.

The bill was then read the third time forthwith, and passed.

The bill from the Senate, for the relief of John Baird, was read the second time, and on motion of Mr. Clay, referred to a select committee.

The bill from the Senate, to amend the charter of the city of Tuscaloosa, was read the second time.

Mr. Porter moved to amend the bill by an additional section, as follows:

*Be it further enacted*, That before any person, who is not a resident of said city of Tuscaloosa, shall be permitted to sell privately, or at any auction, either by himself, or through any licensed auctioneer of the county of Tuscaloosa, within the limits of said city, any goods, wares or merchandise, of any description whatever, said person shall first pay to the treasurer of said city of Tuscaloosa, the sum of fifteen dollars upon every thousand dollars worth of goods, wares or merchandise, proposed to be offered for sale, as aforesaid. And on failure to pay the same, or at that rate, such person shall forfeit, and pay to the said city, the sum of fifty dollars, to be recoverable before any justice of the peace of said city, in the name of said corporation."

Which was adopted.

Mr. Erwin moved to amend as follows, to come in at the end of section — :

"*Provided, however*, that the owner of any lot so sold for taxes, shall be permitted to redeem the same within a year after such sale, on the payment of the amount of purchase money, and ten per cent. thereon, by way of interest."

Which was adopted.

Mr. Smith of T. moved to amend by an additional section, as follows:

Sec. 3. *Be it further enacted*, That the power of the mayor and aldermen of the said city, to levy and collect taxes, be, and the same are hereby extended and enlarged, so as to enable them to levy and collect tax upon auctioneers, transient dealers and peddlers."

Which was adopted.

The bill was read the third time and passed.

And then the House adjourned.

SATURDAY, February 4th, 1843.

The House met pursuant to adjournment.

Mr. Winston of S. presented the petition of Hugh Watts and others; which was referred to a select committee, composed of the delegation from Sumter.

Mr. Erwin introduced a bill to set apart from the State Bank, a sum to defray the expenses of the Penitentiary for the present year; which was read the first, rule suspended, read the second time forthwith, and referred to the committee on ways and means.

Mr. Jones of G. presented the petition of Robert Flemming; which was referred to a select committee, composed of the delegation from Greene.

Mr. McClung, from the judiciary committee, to whom was referred a bill authorizing the judge of the county court of Lowndes county, to sell certain lands, the property of Robert C. and Matilda F. Beattie, reported the bill back to the House without amendment, and recommended its passage.

Mr. Robinson moved to lay the bill on the table; which was carried.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, a bill of the following title:

An act to put in liquidation the Branch of the Bank of the State of Alabama, at Huntsville.

Mr. Kidd, from the committee on the military, to whom was referred a bill regulating the appointment of a brigade drill officer in each county, made the following report:

Strike out the original bill and insert as follows:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the several brigadier generals in this State, to appoint in their respective brigades, a brigade drill officer, with the rank and title of major, whose duty it shall be to attend one day at each regiment, previous to the regimental parade, and drill the commissioned officers belonging to said regiment.

Sec. 2. *And be it further enacted,* That such brigade drill officer shall be entitled to receive as compensation for his services, three dollars per day, to be paid out of any fines assessed by the regimental courts martial in each regiment, and three dollars for every thirty miles he may travel, in attending said drills.

The amendment being adopted, the bill was read the third time, and passed.

Mr. Winston of S. from the committee on retrenchment, to whom was referred a bill to reduce the salaries of certain officers therein named, reported that it is inexpedient to pass the bill.

The report was concurred in.

Mr. Walker, from the committee on privileges and elections, to whom was referred a bill to repeal in part an act therein named, reported the same back to the House and recommended its passage.

The Bill was read the third time forthwith and passed.

Mr. Kidd, from the committee on the military, to whom was referred a bill to reduce the number of company musters required to be holden annually in this state, reported a substitute.

Mr. Griffin moved to lay the report and substitute on the table.

A motion was made to include also the bill.

A division of the question was called; which was first taken on laying the report and substitute on the table; which was carried.

The question was next taken on laying the bill on the table, and lost.

The bill was read the third time and passed.

Mr. McClung, from the judiciary committee, to whom was referred a bill to amend the laws in relation to the limitation of actions, reported the same back to the House, and recommended its passage.

The bill was read the third time and passed.

Mr. McClung, from the select committee, to whom was referred a bill from the Senate, authorizing the building of jail in the city of Huntsville, in Madison county, and for other purposes, reported the bill back to the House and recommended its passage, with the following amendment:

Strike out the word "city," in the caption, and insert in lieu thereof the word "town."

The amendment being adopted, the bill was read the third time, and passed.

Mr. Witherspoon, from the select committee, to whom was referred a bill to authorize the commissioners court of Greene county, to erect a jail at Greensborough, for the safe keeping of slaves levied on under execution, reported the bill back to the House, and recommended its passage, with the following amendments:

Strike out the words "a sum of money not exceeding on thousand," where they occur in the sixth and seventh lines of the bill, and insert in lieu thereof the words "the sum of five hundred."

After the word "execution," where it occurs in the thirteenth line of the bill, insert the words "and such runaway slaves as may be arrested or taken up in that part of Greene county, lying east of the Black Warrior river."

The amendment being adopted, the bill was read the third time, and passed.

Mr. McLemore, from the select committee, to whom was referred the petition of Baker Roberts and others, reported a bill to establish a board of physicians of the Thompsonian order in the city of Tuscaloosa; which was read the first time and ordered to a second reading.

Mr. Erwin, from the select committee, composed of the delegation from Mobile, to whom was referred the petition of Chester Root, and other citizens of the city of Mobile, reported—

That in the present embarrassed financial condition of said city, it is inexpedient to pass the act contemplated in said petition; but that by the provisions of a bill now on its passage in this House, it is in contemplation to correct many of the evils and inconveniencies complained of by said petitioners, by applying more equitably the taxes levied by said city, in the different wards thereof.

The report was concurred in.

Mr. Kennedy of L. from the select committee, to whom was referred a bill for the relief of B. M. Bradford and Jack Shackelford, reported the same back to the House, with an amendment

Mr. Valliant moved to lay the report and amendment on the table.

Mr. Mundy moved to include the bill also

A division of the question was called, which was first taken on laying the report and amendment on the table, and was lost.

Mr. Mundy then withdrew his motion to include the bill.

The question was then taken on concurring in the report and amendment, and decided in the affirmative.

The Calhoun moved to amend the amendment by way of proviso, as follows:

*"Provided, That nothing in this act shall be considered as imposing any obligation on the part of the State of Alabama to pay any of the said sum of money out of the State funds."*

Which was adopted.

The bill was read the third time and passed.

The caption of the bill was amended, by adding the words "and for other purposes."

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House:

A bill for the relief of J. Henri Hottinguer:

A bill to amend an act entitled an act to restrain excessive taxation for county purposes, in Tallapoosa county, approved December twenty-ninth, one thousand eight hundred and forty-one.

A bill to abolish certain election precincts therein named and for the establishment of others in lieu thereof, in the counties of Dale and Coffee, and amended the same as therein shown:

A bill to extend the limitation of prosecutions in Montgomery county:

A bill regulating the proof required to sustain an action at law in certain cases:

A bill to amend an act entitled an act to incorporate the town of Warrenton, in Marshall county:

A bill to define and establish the line between the counties of De Kalb, Marshall and Jackson:

A bill to compensate the Judge of the county court of Pickens county in certain cases, and for other purposes:

A bill to change the time of holding the chancery courts for the first district of the Southern chancery division:

A bill in relation to the purchasers of a part of the sixteenth section, township twenty, range fourteen, west, in Pickens county, and amended the same as therein shown:

A bill to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the several circuit courts in this State, and amended the same as therein shown:

A bill to divorce Margaret S. Oliver, from her husband, Creed T. Oliver:

And a bill to legalize the acts of Thomas S. King, N. B. Warren and James P. Poston, commissioners of the sixteenth section, township four, range five, in Jackson county.

The Senate concurs in the amendments made by the House to the following bills:

A bill for the relief of Mary Jane Jones and Elizabeth Revis :

And a bill to compensate Daniel M. Forney.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to repeal an act to incorporate the town of Talladega :

An act to regulate the mode of taking bonds by the judges of the county courts in certain counties :

An act to extend an act entitled an act granting certain privileges to Alexander Findley, of De Kalb county, approved December thirty-first, eighteen hundred and forty :

An act more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the constitution of the State of Alabama :

An act providing for the payment of interest on the purchase money



of section sixteen, township nineteen, range five, east, in Talladega county :

An act to establish a certain road in the county of Shelby :

An act to alter a certain road therein named :

And an act to incorporate the town of Troy.

Mr. Smith of T. from the select committee, to whom was referred joint resolutions on the subject of an assumption of the State debts by the General Government, reported a substitute.

Mr. Jones of G. moved to postpone the further consideration of the joint resolutions until Thursday next, and make them the special order for twelve o'clock, M., of that day.

The hour of eleven having arrived, the House proceeded to the consideration of the bill to retrench the expenses of the University ; to provide for the education of the poor, and for other purposes—it being the special order.

Mr. Smith of L. moved to postpone the bill for the present ; which was carried.

Message from the Governor, by Mr. Garrett :

Mr. Speaker—His Excellency the Governor has approved bills of the following titles :

An act for the relief of Alfred Fuller, and his wife, Susannah Fuller :

An act concerning coroners :

An act concerning the judge of the county court of Lowndes county.

All of which originated in the House of Representatives.

The House resumed the consideration of the joint resolutions.

The question was taken on the motion of Mr. Jones of G. to postpone the joint resolutions until Thursday next, and make them the special order for twelve o'clock of that day ; and was lost—Yeas 24, Nays 61.

YEAS—messrs. Banks, Bridges, Cain, Cooper, Crowder, Dunn, Erwin, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Oliver, Rice, Skipper, Smith of T. Storrs and Ware.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Calhoun, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick. Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morris, Morrison, Mundy, Murphey, Norman, Norris, Pettit, Pickett, Richeson, Roby, Scott, Smith of L. Smith of P. Tate, Valliant, Walker, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. Witherspoon and Woodward.

Mr. Jones of G. moved to amend, as follows, by way of substitute for the amendment reported by the committee :

Whereas, the State of Alabama, and many other States of this Union, have contracted debts to a large amount, and some of the States have repudiated their debts : and whereas, a proposition has been introduced in the Congress of the United States, that the General Government should assume the payment of the debts of the several States ; and it is deemed expedient, under these circumstances, that the sentiments of

the State of Alabama on these important subjects should be now publicly and distinctly made known :

*Therefore, Resolved, 1st.* That the State of Alabama is able to pay, and will pay all her debts—and will, in due time, provide the funds necessary to make such payment.

*Resolved, 2d.* That the assumption of the debts of the several States by the General Government, would be impolitic and inexpedient.

*Resolved, 3d.* That His Excellency be, and he is hereby requested to transmit copies of these resolutions to our Senators and Representatives in Congress, to be laid before Congress ; and also to the Governors of the several States, to be laid before their respective Legislatures.

The hour of twelve having arrived, the House resumed the consideration of the bill to raise a revenue for the support of the State Government.

The question was on the amendment of Mr. Campbell.

Mr. Calhoun moved to lay the amendment on the table ; and lost—Yeas 41, Nays 44 :

YEAS—messrs. Speaker, Barclay, Bishop, Bridges, Caffey, Cain, Calhoun, Crowder, Douglass, Dabose, Findley, Fletcher, Garland, Harris, Hill, Jones of Conecuh, Jones of C. Kendrick, Kennedy of M. Marchbanks, McMillion, Meriwether, Miree, Moore of M. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Pickett, Rice, Richeson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Turner, Walker and Whorton.

NAYS—messrs. Abernathy, Banks, Barron, Bothwell, Campbell, Cochran, Dear, Dortch, Dunklin, Dunn, Earle, English, Erwin, Gasque, Harrison, Henley, Hubbard, Jackson, Jones of G. Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, McLemore, Mitchell, Norman, Norris, Oliver, Pettit, Porter, Robinson, Skipper, Tate, Valliant, Ware, Watts, Williams of J. Winston of DeK. Winston of S. Witherspoon, and Woodward.

Mr. English, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit :

An act to authorize the judge of the county court and commissioners of roads and revenue, of Dallas county, to execute titles to certain real estate :

And an act to regulate, in part, the duties of the Treasurer of Montgomery county.

And then the House adjourned.

#### AFTERNOON SESSION, February 4th, 1843.

The House met pursuant to adjournment.

Mr. Rice moved to suspend the rule, that he might have an opportunity of introducing an account ; which was carried.

Mr. Rice presented the accounts of A. Lynch ; which were referred to the committee on accounts.

The House then resumed the consideration of the bill to raise a revenue for the support of the State government.

The question was taken on ordering Mr. Campbell's amendment to a second reading, and carried—yeas 50, nays 38:

**YEAS**—messrs. Speaker, Abernathy, Banks, Barron, Bothwell, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Dear, Dortch, Dubose, Dunklin, Dunn, Earle, English, Erwin, Gasque, Harris, Harrison, Henley, Hubbard, Jackson, Jones of G. Kennedy of L. Lankford, Martin, McClung, McCoy, McLemore, Morgan of A. Norman, Norris, Oliver, Pettit, Porter, Robinson, Roby, Skipper, Tate, Valliant, Ware, Watts, Williams of J. Winston of DeK. Winston of S. Witherspoon, and Woodward.

**NAYS**—messrs. Bishop, Cain, Calhoun, Crowder, Douglass, Findley, Fletcher, Garland, Griffin, Hendrix, Hill, Jones of Conecuh, Jones of C. Kendrick, Kennedy of M. Kidd, Marchbanks, McMillion, Meriwether, Moore of M. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Pickett, Rice, Richeson, Scott, Smith of L. Smith of P. Smith of T. Storrs, Turner, Walker and Whorton.

The amendment was read the second time.

Mr. Calhoun moved to amend the amendment, by striking out the words "second, third, fourth and fifth," and inserting in lieu thereof, the word "several;" which was carried.

Mr. Cochran moved to amend the amendment, as follows:

After the word "taxes," in the last line but one, insert "together with any surplus which shall remain after supporting the State government, as first provided for in this section." After the word "the," in the last line but one, insert "support of the currency and"—which was adopted.

Mr. Calhoun moved to amend as follows:

That all lawyers and physicians shall pay a tax of twenty-five cents, upon every hundred dollars of their actual receipts, to be assessed as aforesaid, which shall be applied as provided in this section.

Mr. McClung moved to lay the amendment on the table; which was lost—yeas 36, nays 50:

**YEAS**—messrs. Bridges, Campbell, Clay, Cochran, Douglass, Dunn, Earle, English, Erwin, Fletcher, Garland, Gasque, Harrison, Henley, Jones of C. Jones of G. Martin, McClung, McCoy, McLemore, Moore of M. Morgan of A. Morris, Morrisett, Morrison, Mundy, Norman, Pickett, Porter, Rice, Richeson, Robinson, Roby, Smith of L. Tate, and Witherspoon.

**NAYS**—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Caffey, Cain, Calhoun, Cooper, Dear, Dubose, Dunklin, Findley, Griffin, Harris, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Kendrick, Kennedy of M. Kennedy of L. Kidd, Lankford, Marchbanks, McMillion, Meriwether, Mirec, Morgan of C. Murphey, Norris, Oliver, Pettit, Scott, Skipper, Smith of P. Smith of T. Storrs, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act to incorporate the town of Troy:

An act to alter a certain road therein named.  
Which originated in the House of Representatives.  
And then the House adjourned till seven o'clock, P. M.

### NIGHT SESSION, February 4th, 1843.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to raise a revenue for the support of the State government.

The question was on the amendment offered by Mr. Calhoun.

Mr. Winston of DeK. moved the previous question; which was sustained—yeas 42, nays 32:

YEAS—Messrs. Speaker, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Crowder, Douglass, Dubose, Earle, Findley, Fletcher, Garland, Griffin, Harris, Hendrix, Henley, Hill, Kennedy of M. Lankford, Marchbanks, McMillion, Moore of M. Morgan of C. Morris, Morrison, Mundy, Murphey, Norris, Pickett, Rice, Richeson, Smith of L. Smith of P. Smith of T. Turner, Whorton, Williams of J. Winston of DeK.

NAYS—messrs. Abernathy, Banks, Campbell, Clay, Cochran, Dear, Dortch, Dunklin, Dunn, English, Gasque, Harris, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, Oliver, Pettit, Porter, Robinson, Roby, Tate, Ware, Winston of S. Witherspoon and Woodward.

Mr. Henley moved to reconsider the vote just taken.

Mr. Campbell moved a call of the House; which was lost—yeas 37, nays 40:

YEAS—messrs. Abernathy, Banks, Campbell, Clay, Cochran, Cooper, Dear, Dortch, Dunklin, Dunn, English, Gasque, Harris, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, Oliver, Pettit, Porter, Robinson, Roby, Skipper, Tate, Valliant, Ware, Watts, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Crowder, Douglass, Dubose, Earle, Findley, Fletcher, Garland, Griffin, Hendrix, Hill, Kennedy of M. Lankford, Marchbanks, McMillion, Miree, Moore of M. Morgan of C. Morris, Morrison, Mundy, Murphey, Norris, Pickett, Rice, Richeson, Smith of L. Smith of P. Smith of T. Turner, Walker, Whorton, Williams of J. Winston of DeK.

The question was then taken on the motion of Mr. Henley, to reconsider the vote sustaining the previous question, and lost.

The question was then put—Shall the bill pass?—and decided in the affirmative—yeas 74, nays 5:

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Henley, Hill, Hubbard, Jackson, Jones of G. Kennedy of L. Kennedy of M. Lankford, Marchbanks, McClung, McCoy, McLemore,

McMillion, Miree, Moore of M. Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. Witherspoon and Woodward.

NAYS—messrs. Bishop, Jones of Conecuh, Kidd, Pettit and Skipper.

So the bill passed.

The following are the yeas and nays on Mr. Henley's motion to reconsider the vote sustaining the previous question—yeas 27, nays 41:

YEAS—messrs. Abernathy, Banks, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dunklin, Dunn, English, Gasque, Harris, Harrison, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, Norman, Oliver, Pettit, Porter, Robinson, Roby, Tate, Valliant, Ware, Watts, Whorton, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Cooper, Crowder, Douglass, Dubose, Earle, Findley, Fletcher, Garland, Griffin, Hendrix, Hill, Kennedy of M. Lankford, Marchbanks, McMillion, Miree, Moore of M. Morgan of C. Morris, Morrison, Mundy, Murphey, Norris, Pickett, Rice, Richeson, Skipper, Smith of L. Smith of P. Smith of T. Turner, Walker, Williams of J. and Winston of DeK.

Mr. McClung moved to take from the table the bill to alter the mode of electing the Directors of the Bank of the State of Alabama and the several Branches thereof; which was carried.

The House then proceeded to the consideration of the bill.

The question was taken on the amendment offered by Mr. Erwin of G.; which was lost.—Yeas 33, nays 44:

YEAS—messrs. Speaker, Abernathy, Bridges, Campbell, Clay, Cochran, Cooper, Dunklin, Findley, Harrison, Hendrix, Hill, Hubbard, Jones of G. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Moore of M. Morrison, Mundy, Norman, Roby, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Williams of J. and Winston of DeK.

NAYS—messrs. Banks, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Crowder, Dear, Dortch, Douglass, Dubose, Dunn, Earle, English, Fletcher, Garland, Gasque, Griffin, Harris, Henley, Jackson, Kennedy of L. Kidd, McCoy, McLemore, Miree, Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Skipper, Storrs, Ware, Watts, Whorton, Winston of S. Witherspoon and Woodward.

Mr. Campbell moved to amend as follows: Strike out all after the enacting clause, and insert the following—

That the Governor shall nominate to both Branches of the General Assembly, during the present session, three persons as Directors of the Branch of Bank of the State of Alabama at Huntsville,—if a majority shall advise and consent to said nominations, such persons so nominated, shall be declared duly chosen; and if any one or more shall be rejected, then the Governor shall nominate until the Board shall be filled.

Mr. English moved to lay the amendment on the table; which was lost.

The question was on the motion of Mr. Campbell.

A division of the question was called for; which was first taken on striking out, and carried.

The question was then taken on the amendment offered by Mr. Campbell, and lost.—Yeas 32, nays 42:

YEAS—messrs. Speaker, Abernathy, Campbell, Clay, Cochran, Douglass, Dunklin, Findley, Harrison, Hendrix, Hill, Hubbard, Jones of G. Kennedy of L. Marchbanks, Martin, McClung, McCoy, McMillion, Moore of M. Morrison, Mundy, Norman, Porter, Roby, Smith of L. Smith of P. Walker, Ware, Williams of J. and Winston of DeK.

NAYS—messrs. Banks, Barclay, Barron, Bishop, Caffey, Cain, Crowder, Dear, Dortch, Dubose, Dunn, Earle, English, Erwin, Fletcher, Garland, Gasque, Griffin, Henley, Jackson, Kennedy of M. Kidd, Lankford, Miree, Morgan of C. Norris, Oliver, Pettit, Pickett, Rice, Richardson, Robinson, Skipper, Storrs, Tate, Valliant, Watts, Whorton, Winston of S. Witherspoon, and Woodward.

Mr. English moved to amend, by striking out all after the enacting clause, and insert the following:

That the number of Directors for the Branch of the Bank of the State of Alabama, at Huntsville, shall be reduced to three persons, who shall be elected by the joint vote of both Houses of the General Assembly, from seven persons to be nominated to them by the Governor, for the present year, at the present session of the General Assembly, and thereafter at the commencement of every session of the General Assembly.

The amendment was adopted, the bill read the third time, and passed.

The caption of the bill was amended, by striking out all after the word "the," and inserting the words "Branch of the Bank of the State of Alabama, at Huntsville."

Mr. Campbell moved to take from the table, the bill from the Senate authorizing the judge of the county court of Lowndes county to sell certain lands, the property of Robert C. and Matilda F. Beattie; which was carried.

The bill was then read the third time.

Mr. Henley moved to amend the bill by engrossed ryder, as follows:

Section —. *And be it further enacted*, That the provisions of this act be, and the same are hereby extended to the judge of the county court of Marengo county, to authorize him to direct the sale of a certain tract of land, the property of the heirs of Henley Drummond, deceased, lying near the University of Alabama.

Mr. Bridges moved to lay the bill and amendment on table; which was lost.

The amendment was then adopted, and the bill passed.

Mr. Barclay moved to take up the bill from the Senate, to regulate the compensation of jurors and witnesses in Talladega county; which was carried.

Mr. Barclay moved to reconsider the vote on the passage of the bill; which was carried.

The question was again put—Shall the bill pass? and carried.

Mr. Cooper moved that the House do now adjourn until half past nine o'clock, Monday morning; which was lost.—Yeas 28, nays 30:

YEAS—messrs. Speaker, Abernathy, Banks, Caffey, Cooper, Crowder, Douglass, Dunn, Earle, English, Fletcher, Garland, Hendrix, Jackson, Kidd, Martin, McClung, McCoy, Miree, Morgan of C. Morrison, Mundy, Norris, Oliver, Pettit, Robinson, Winston of DeK. and Witherspoon.

NAYS—messrs. Barclay, Barron, Bishop, Bridges, Cain, Calhoun, Cochran, Dear, Dubose, Dunklin, Erwin, Findley, Griffin, Harris, Henley, Hill, Hubbard, McLemore, McMillion, Moore of M. Norman, Porter, Richeson, Roby, Storrs, Valliant, Ware, Watts, Whorton, and Williams of J.

Mr. Barclay moved a call of the House: which was ordered.

Mr. Hubbard moved to suspend any further proceedings under the call; which was carried.

Ordered, that leave of absence be granted to Mr. Moore of P. until Wednesday, half past nine o'clock.

Mr. Henley moved that the House do now adjourn until half past nine o'clock, Monday morning; which was carried.—Yeas 28, nays 19:

YEAS—messrs. Speaker, Abernathy, Barclay, Bishop, Caffey, Campbell, Cooper, Crowder, Dubose, Dunn, Earle, English, Fletcher, Gasque, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of G. Kidd, McCoy, Miree, Morgan of C. Morrison, Mundy, Norris, Oliver, Pettit, Pickett, Richeson, Smith of P. Turner, Valliant, Watts, Williams of J. Witherspoon and Woodward

NAYS—messrs. Banks, Barron, Bridges, Cain, Calhoun, Douglass, Dunklin, Earle, Findley, Griffin, Hill, McLemore, Moore of M. Norman, Robinson, Roby, Storrs, Ware, and Whorton.

And then the House adjourned.

MONDAY, February 6, 1843.

The House met pursuant to adjournment.

Messrs. Meriwether, Mitchell, Morrisett and Erwin, asked leave to record their votes on the passage of the bill to raise a revenue for the support of the State government, and leave being granted, each voted in the affirmative.

Mr. Morrisett having obtained leave to record his vote on the previous question on said bill, voted in the affirmative.

Mr. Calhoun withdrew his motion to reconsider the vote on the passage of the bill to regulate the Bank of the State of Alabama.

Mr. McCoy introduced a bill to settle the currency of the State of Alabama; which was read the first time.

Mr. McCoy moved to suspend the rule, in order to give the bill a second reading forthwith; which was lost.

The House refused to order the bill to a second reading.

A message from the Senate by Mr. Clitherall:

Mr. Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act to change the name of a certain person therein named, and for other purposes:

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river:

An act for the relief of John A. Hurst and Jordan Thornton:

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes:

An act regulating the issuing of patents for sixteenth section lands:

An act to amend an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved December twenty-first, one thousand eight hundred and forty one:

An act for the relief of Jane Doss:

An act extending to the county of Jackson, the provisions of certain acts therein named:

An act more effectually to secure costs to constables in the county of Marion:

An act for the relief of certain persons therein named:

An act to authorize Richard Greene, of the county of Marengo, to change the guardianship of his ward, Seaborn J. Butler:

An act for the relief of tales jurors in the county of Covington:

An act to authorize Aaron A. Burleson to establish a ferry in the county of Morgan:

An act to repeal an act therein named:

An act for the relief of Sarah Switzer, and Sarah P. Atkins:

An act permanently to locate the site of justice in the county of Dale, and for other purposes:

An act further to amend the charter of the Alabama Life Insurance and Trust Company:

An act to reduce the pay of the Inspectors of the Penitentiary and define their duties, and for other purposes.

An act to extend the time for removal of certain slaves emancipated by a decree of the county court of Clarke county:

An act to run and make out the line between the limits of Shelby and Jefferson:

An act to exempt certain property therein named, from execution, in the several counties in this State:

The Senate concurs in the amendments made by the House, to a bill to amend the charter of the city of Tuscaloosa:

Also, to the bill amendatory of an act entitled an act for the better regulating the public printing, and altering the mode of paying for the same—amended as therein shown:

Also, amended the bill to alter the laws now in force relating to the change of venue:

The Senate has passed a bill to incorporate the Dayton Literary Association:

Mr. Porter introduced a bill to regulate the selection of grand and petit jurors; which was read the first time, rule suspended, read the second time, and referred to the judiciary committee.



Mr. Winston of S. introduced a bill to amend an act, entitled an act to incorporate the town of Gainesville, in Sumter county; which was read the first time, rule suspended, and read the second time forthwith:

Mr. Henley moved to amend by an additional section, as follows:

*And be it further enacted,* That the provisions of this act shall be, and the same are hereby extended to every incorporated city or town in this State.

The amendment was adopted, rule further suspended, the bill read the third time and passed.

The caption was amended so as to read, a bill to amend the charters of the several corporated cities and towns of this State.

Mr. McLemore introduced joint resolutions in relation to the amount of money placed to the credit of the State of Alabama, under the distribution act passed by the Congress of the United States; which were read the first time.

Mr. McLemore moved to suspend the rule, to give the joint resolutions a second reading forthwith.

Mr. Smith of P. moved to lay the joint resolutions on the table; which was lost—yeas 41, nays 41:

YEAS—messrs. Speaker, Abernathy, Bridges, Calhoun, Campbell, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Findley, Fowler, Gasque, Hill, Hubbard, Jones of C. Kendrick, Kennedy of M. Lankford, Marchbanks, Miree, Moore of M. Morgan of A. Morrison, Murphey, Norman, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Williams of J. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Banks, Barclay, Barron, Bishop, Caffey, Cain, Crowder, Dear, Dunn, Earle, English, Erwin, Garland, Griffin, Harris, Hendrix, Henley, Jackson, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, McMillion, Mitchell, Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Ware, Watts, Whorton and Witherspoon.

The question was then taken on ordering the joint resolutions to a second reading, and lost—yeas 33, nays 53:

YEAS—messrs. Banks, Barclay, Barron, Bishop, Caffey, Cain, Cooper, Crowder, Dunn, Earle, Erwin, Griffin, Harris, Hendrix, Henley, Jackson, Jones of G. Kendrick, Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Rice, Storrs, Ware, Whorton and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Bridges, Calhoun, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Gasque, Harrison, Hill, Hubbard, Jones of C. Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Morgan of A. Morrison, Mundy, Murphey, Norman, Porter, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Williams of J. Winston of DeK. Winston of S. and Woodward.

The hour of twelve having arrived, Mr. Campbell moved to suspend the special order to introduce a bill; which was lost.

Mr. Scott offered the following resolution—which was adopted:

*Resolved*, That the Speaker of the House be required to add four additional members to the committee on enrolled bills.

Mr. Bridges moved to suspend the orders, that he might make a report from the committee on ways and means; which was lost.

Mr. English, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to change the time of holding the Chancery courts of the first district of the southern chancery division:

An act for the relief of J. Henri Hottinguer:

And a memorial and joint resolutions of the State of Alabama, to the Congress of the United States:

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to authorize James J. McQueen to erect a toll bridge across Pentlala creek:

An act to revive and continue the President and Trustees of the Pine-land Academy, in Mobile county, as a body corporate:

An act to amend an act, entitled an act to restrain excessive taxation for county purposes, in Tallapoosa county, approved, December twenty-ninth, eighteen hundred and forty-one:

An act to divorce Margaret S. Oliver, from her husband Creed T. Oliver:

An act regulating the proof required to sustain an action at law, in certain cases:

An act to define and establish the line between the counties of De Kalb, Marshall and Jackson.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has refused to concur in the amendments made by the House, to the bill to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers.

The House then resumed the consideration of the resolution offered by Mr. Hubbard, in regard to the basis of Congressional representation.

The question was on the amendment offered by Mr. Martin.

Mr. Campbell moved to lay the resolution and amendment on the table; which was lost—yeas 42, nays 43:

YEAS—messrs. Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Calhoun, Campbell, Clay, Cochran, Dabose, Dunklin, Earle, English, Findley, Fowler, Griffin, Harrison, Hendrix, Kendrick, Lankford, Marchbanks, Martin, McClung, McMillion, Mirce, Moore of M. Morgan of A. Morrisett, Mundy, Murphey, Porter, Roby, Scott, Skipper, Smith of L. Tate, Turner, Whorton, Williams of J. Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Barron, Bothwell, Cain, Cooper, Crowder, Dear, Douglass, Dunn, Erwin, Fletcher, Garland, Gasque, Harris, Hensley, Hill, Hubbard, Jackson, Jones of G. Kennedy of L. Kidd, McCoy, McLemore, Meriwether, Mitchell, Morgan of C. Morrison, Norman, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, and Witherspoon.

Mr. Findley moved to lay the amendment offered by Mr. Martin on the table; which was carried. Yeas 47—nays 37:

YEAS—messrs. Abernathy, Barclay, Bishop, Bothwell, Cain, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hubbard, Kennedy of L. Lankford, Marchbanks, McClung, McMillion, Miree, Moore of M. Morrison, Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Turner, Valliant, Walker, Whorton, Williams of J. and Woodward.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Calhoun, Cooper, Crowder, Dear, Dunn, Erwin, Harris, Henley, Hill, Jackson, Jones of G. Kendrick, Kidd, Martin, McCoy, McLemore, Meriwether, Mitchell, Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Porter, Smith of P. Smith of T. Storrs, Ware, Watts and Witherspoon.

Mr. Campbell moved to lay the resolution on the table; which was lost. Yeas 38—nays 46:

YEAS—messrs. Abernathy, Banks, Barclay, Bishop, Caffey, Calhoun, Cochran, Campbell, Cooper, Dubose, Dunklin, Earle, English, Fowler, Griffin, Harrison, Kendrick, Lankford, Marchbanks, McClung, McMillion, Miree, Moore of M. Morgan of A. Mundy, Murphey, Pettit, Porter, Roby, Skipper, Smith of L. Smith of P. Tate, Turner, Whorton, Williams of J. and Winston of S.

NAYS—messrs. Speaker, Barron, Bothwell, Cain, Clay, Crowder, Dear, Dortch, Douglass, Dunn, Erwin, Findley, Fletcher, Garland, Gasque, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of G. Kennedy of L. Kidd, Martin, McCoy, McLemore, Meriwether, Mitchell, Morgan of C. Morrisett, Morrison, Norman, Norris, Oliver, Pickett, Rice, Richeson, Robinson, Scott, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Witherspoon and Woodward.

Mr. Pettit notified the House that he would move to amend the rules for the government of the House.

Mr. Kennedy of L. from the committee on enrolled bills, reported as correctly enrolled bills of the following titles:

An act relative to commissioners courts of roads and revenue for the counties of Montgomery and Lowndes:

An act to authorize Charles McLemore and associates to build a bridge across the Tallapoosa river:

And an act to extend the limitations of prosecutions in Montgomery county.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate has passed a bill to make uniform the time of holding the commissioners court in the county of Pickens.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, the bills of the following titles:

An act to legalize the acts of Thomas M. King, Noel B. Warren and James P. Poston, commissioners of the sixteenth section, township four, range five, in the county of Jackson:

An act to compensate the Judge of the county court of Pickens county, in certain cases, and for other purposes.

An act to amend an act to incorporate the town of Warrenton, in Marshall county.

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act for the relief of Mildred Hogue:

An act for the relief of Mary J. Jones and Elizabeth Revis:

And an act explanatory of certain joint resolutions therein named.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to compensate Daniel M. Forney:

An act for the relief of Walter Chiles:

An act authorizing proceedings at the instance of the State of Alabama against the owners of turnpike roads, in certain cases.

An act authorizing the levy of a special tax in Talladega county:

An act to repeal in part and amend an act to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved January second, eighteen hundred and forty-one:

An act to change the time of holding the county court of Bibb county:

And an act to incorporate the Male and Female Academy, at the village of Turnbull, in Monroe county.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following resolution:

*Resolved*, That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Tuesday next, the seventh instant, at three o'clock, P. M. for the purpose of electing a President and three Directors of the Branch of the Bank of the State of Alabama, at Huntsville, and also a President and three Directors of the Branch Bank at Montgomery.

And then the House adjourned.

#### AFTERNOON SESSION, February 6th, 1843.

The House met pursuant to adjournment.

Mr. McClung moved a call of the House; which was ordered, and the following members answered to their names:

Messrs. Speaker, Abernathy, Banks, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Henley, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, McClung, McCoy, McLemore, McMillion, Miree, Morgan of A. Morgan of C. Morrison, Mundy, Norman, Pickett, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. Witherspoon and Woodward.

Mr. Henley moved to suspend the orders of the day, to take up the message from the Senate containing the bill to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State; which was carried.

The House proceeded to the consideration of the bill.

The question was on concurring in the amendments made by the Senate.

Mr. Henley moved to strike out so much of the amendment as relates to Perry county; which was lost. Yeas 22—nays 49:

YEAS—messrs. Speaker, Bridges, Campbell, Earle, Henley, Hill, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kidd, Martin, McClung, Mundy, Pickett, Rice, Smith of L. Smith of P. Storrs, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Abernathy, Banks, Barron, Bishop, Caffey, Cain, Calhoun, Clay, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunklin, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hubbard, Jones of Covington, Kendrick, Kennedy of M. Lankford, Marchbanks, Miree, Moore of M. Morgan of A. Morgan of C. Norman, Norris, Porter, Richeson, Roby, Scott, Skipper, Tate, Valliant, Walker, Ware, Whorton, Williams of J. and Winston of DeK.

Mr. Henley moved to amend the amendment of the Senate.

Mr. Campbell moved to amend the amendment of the Senate.

Mr. Bishop moved to lay the amendment on the table; which was lost.

The amendment offered by Mr. Campbell was then adopted.

The other amendments were concurred in.

The question was then taken on the adoption of the resolution offered by Mr. Hubbard, as follows:

*Resolved*, That the select committee to whom was referred so much of the Governor's message as relates to laying off the State into Congressional districts, be instructed to report a bill for that purpose, having regard to the white population only, as the basis of such Congressional representation.

The resolution was adopted—Yeas 46, Nays 38:

YEAS—messrs. Abernathy, Bishop, Bothwell, Cain, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Hendrix, Hubbard, Jones of Cov. Kennedy of M. Kennedy of L. Lankford, Marchbanks, McClung, McMillion, Miree, Moore of M. Mundy, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Turner, Valliant, Walker, Whorton, Williams of J. and Winston of DeK.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Calhoun, Campbell, Crowder, Dear, Dunn, Erwin, Harris, Harrison, Henley, Hill, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kidd, Martin, McCoy, Meriwether, Mitchell, Morgan of A. Morgan of C. Morrison, Norris, Oliver, Pettit, Pickett, Porter, Smith of P. Storrs, Ware, Watts, Winston of S. and Witherspoon.

Mr. Bridges moved to suspend the orders of the day, to take up the bill from the Senate to divide the State of Alabama into seven Congressional districts; which was carried.

The bill was read the first time.

On motion of Mr. Winston of S. the rule was suspended, the bill was read a second time forthwith.

Mr. Dear moved to amend the bill by striking out the word "Wilson," and insert "Wilcox," in lieu thereof; which was carried.

Mr. Bridges moved to refer the bill to the select committee appointed to divide the State into Congressional districts.

Mr. Dunn moved to lay the bill on the table; which was lost—Yeas 24, Nays 60:

**YEAS**—messrs. Banks, Barron, Bothwell, Calhoun, Crowder, Dear, Dunn, Gasque, Henley, Jackson, Jones of Conecuh, Jones of G. Kendrick, Meriwether, Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Storrs, Ware, Watts and Witherspoon.

**NAYS**—messrs. Speaker, Abernathy, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kennedy of M. Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, McMillion, Miree, Mitchell, Moore of M. Morgan of A. Morrison, Mundy, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

Mr. Watts moved to postpone the further consideration of the bill until to-morrow, at eleven o'clock, and make it the special order for that hour; which was lost—Yeas 25, Nays 56:

**YEAS**—messrs. Banks, Barron, Caffey, Calhoun, Cooper, Crowder, Dear, Dunn, Erwin, Hendrix, Henley, Jackson, Jones of G. Kidd, McCoy, Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Storrs, Ware, Watts and Witherspoon.

**NAYS**—messrs. Speaker, Abernathy, Bishop, Bothwell, Bridges, Cain, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hill, Hubbard, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, Lankford, Martin, McClung, McMillion, Miree, Mitchell, Moore of M. Morgan of A. Morrison, Mundy, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

Mr. McClung moved to suspend the forty-second rule.

Mr. Henley moved a call of the House; which was lost—Yeas 15, Nays 66:

**YEAS**—messrs. Banks, Barron, Cooper, Crowder, Dear, Dunn, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Norris, Oliver, Pettit and Pickett.

**NAYS**—messrs. Speaker, Abernathy, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Norman, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Storrs, Tate, Turner, Valliant,

Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward.

And then the House adjourned.

### NIGHT SESSION, February 6, 1843.

The House met pursuant to adjournment.

Mr. Winston of DeK. moved to suspend the orders of the day, in order to take up the bill to divide the State of Alabama into seven Congressional districts; which was carried—Yeas 41—nays 37:

YEAS—messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cochran, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hill, Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Morrison, Mundy, Murphey, Norman, Rice, Richeson, Robinson, Scott, Tate, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Cain, Cooper, Crowder, Dear, Dunklin, Dunn, Erwin, Harris, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of C. Jones of G. Kennedy of L. Kidd, McLemore, Meriwether, Morgan of A. Morgan of C. Norris, Oliver, Pettit, Porter, Roby, Smith of T. Storrs, Turner, Valliant, Ware, Watts, Williams of P. and Witherspoon.

The House then resumed the consideration of the bill.

Mr. Bishop moved the previous question, which was not sustained—Yeas 40—nays 41:

YEAS—messrs. Abernathy, Barclay, Bishop, Cain, Clay, Cochran, Douglass, Earle, English, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hill, Kendrick, Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Morgan of A. Murphey, Norman, Rice, Richeson, Robinson, Scott, Tate, Turner, Whorton, Williams of J. Williams of P. Winston of DeK. and Woodward.

NAYS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Campbell, Cooper, Crowder, Dear, Dubose, Dunklin, Dunn, Erwin, Findley, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of C. Jones of G. Kidd, McLemore, Meriwether, Morgan of C. Morrison, Mundy, Norris, Oliver, Pettit, Porter, Roby, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, and Witherspoon.

Mr. Norris moved to amend the bill as follows:

“Take Coosa from the third district and add it to the seventh.”

Mr. Mundy moved to reconsider the vote on the previous question.

Mr. McLemore moved the previous question on the motion to reconsider; which was carried—Yeas 51—nays 28:

YEAS—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Jones of C. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Mundy, Murphey, Norman, Pettit, Richeson, Rob-

inson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

**NAYS**—Messrs. Speaker, Banks, Barron, Cooper, Crowder, Dear, Dunn, Harris, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kidd, Morgan of C. Morrison, Norris, Oliver, Porter, Rice, Roby, Smith of P. Storrs, Valliant, Ware, Watts, Williams of P. and Wither-  
spoon.

The question was then taken on the motion to reconsider the vote taken on the previous question; which was carried—Yeas 52—nays 31:

**YEAS**—Messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Jones of C. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Tate, Turner, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.

**NAYS**—messrs. Speaker, Banks, Barron, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Harris, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kidd, McLemore, Morgan of C. Morrison, Norris, Oliver, Pettit, Porter, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Williams of P. and Witherspoon.

So the vote was reconsidered.

**Mr. Watts** moved a call of the House; which was not sustained—Yeas 11, Nays 68:

**YEAS**—messrs. Banks, Dear, Dunn, Jackson, Jones of Conecuh, Kidd, McLemore, Norris, Oliver, Pettit and Watts.

**NAYS**—messrs. Speaker, Abernathy, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Henley, Hill, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Murphey, Norman, Porter, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

The question was then taken on the motion for the previous question, and carried—Yeas 54, Nays 29:

**YEAS**—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of M. Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Tate, Turner, Valliant, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward.



**NAYS**—messrs. Speaker, Banks, Barron, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. Kidd, McLemore, Morgan of C. Morrison, Norris, Oliver, Pettit, Porter, Smith of T. Storrs, Walker, Ware, Watts, Williams of P. and Witherspoon.

The question was taken on ordering the bill to a third reading, and carried—Yeas 53, Nays 28:

**YEAS**—messrs. Abernathy, Barclay, Bishop, Cain, Campbell, Clay, Cochran, Cooper, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of M. Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Morgan of A. Mundy, Murphey, Norman, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

**NAYS**—messrs. Speaker, Banks, Barron, Bridges, Caffey, Crowder, Dunn, Erwin, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. McLemore, Morgan of C. Morrison, Norris, Pettit, Porter, Smith of P. Smith of T. Storrs, Ware, Watts, Williams of P. Winston of S. and Witherspoon.

Mr. Henley moved to suspend the orders of the day, to take up the bill from the Senate, for the relief of John M. Yancy; which was carried.

The bill was read the first time, rule suspended—read the second time, rule further suspended—read the third time forthwith, and passed—Yeas 48, Nays 20:

**YEAS**—messrs. Banks, Bridges, Caffey, Cain, Cooper, Crowder, Douglass, Dunn, Earle, Erwin, Garland, Gasque, Harris, Harrison, Hendrix, Henley, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McLemore, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Murphey, Oliver, Pettit, Porter, Rice, Roby, Smith of T. Storrs, Tate, Turner, Walker, Watts, Whorton, Winston of DeK. and Winston of S.

**NAYS**—Messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Fletcher, Fowler, Griffin, Hill, Hubbard, Kennedy of M. McClung, Morrison, Mundy, Norman, Norris, Richeson, Smith of P. Valliant and Ware.

Mr. McLemore asked leave to record his vote on the question taken this morning on the resolutions in relation to the basis of congressional representation, which being granted, he voted in the negative.

Mr. Morgan of A. moved to take from the table the joint resolutions to authorize the Warden of the Penitentiary to appoint a deputy Warden; which was carried.

The House proceeded to the consideration of the joint resolutions:

Mr. Murphey moved to postpone the joint resolutions indefinitely.

And then the House adjourned.

TUESDAY, February 7, 1843.

The House met pursuant to adjournment.

Messrs. Smith of T. and Williams of P. asked leave to record their votes on the adoption of the resolution in relation to the basis of congressional representation, which was granted, and each voted in the negative.

Mr. Calhoun introduced a bill to aid in the establishment of a school for the deaf and dumb; which was read the first time.

Mr. Winston of S. moved to lay the bill on the table; which was lost.

Mr. Calhoun moved to suspend the rule in order to give the bill a second reading forthwith; which was carried.

The bill was read the second time and referred to the committee on education.

Mr. Henley introduced a bill to change the time of holding the chancery courts in the Southern chancery division; which was read the first time.

Mr. Henley moved to suspend the rule to give the bill a second reading forthwith; which was carried.

The bill was read the second time.

On motion of Mr. Pettit, referred to a select committee.

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled:

An act regulating the issuing of patents for sixteenth section lands.

Mr. Campbell introduced a bill to raise a revenue to maintain the plighted faith of Alabama; which was read the first time.

Mr. Smith of L. moved to postpone the bill indefinitely; which was lost—yeas 29, nays 60:

YEAS—messrs. Barclay, Bishop, Cain, Calhoun, Crowder, Dear, Douglass, Dubose, Fletcher, Griffin, Harris, Hill, Jones of Conecuh, Marchbanks, Meriwether, Mirce, Moore of M. Morrisett, Morrison, Murphey, Rice, Richeson, Skipper, Smith of L. Smith of P. Smith of T. Walker, Ware and Whorton.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bothwell, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Dortch, Dunklin, Dunn, Earle, English, Erwin, Findley, Fowler, Garland, Gasque, Harrison, Hendrix, Henley, Hubbard, Jackson, Jones of C. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Martin, McClung, McCoy, McLemore, McMillion, Mitchell, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Robinson, Roby, Scott, Storrs, Tate, Turner, Valliant, Watts, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

Mr. Campbell moved to postpone the bill until to-morrow, at eleven o'clock, and make it the special order for a second reading at that hour; which was carried.

A message from the Governor, by Mr. Garrett:

*Gentlemen of the Senate and House of Representatives:*

In pursuance of an act to regulate the Branch of the Bank of the State of Alabama at Montgomery, approved January twenty-fifth, one thousand eight hundred and forty-three, I have the honor to nominate to the General Assembly, the following named gentlemen: Nimrod E. Benson, William O. Baldwin, A. A. McWhorter, Joseph Harper, Frances, Bugbee, William Chisolm, and Leander Bryan, as fit persons for Directors of the Branch Bank at Montgomery, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

A message from the Governor, by Mr. Garrett:

*Gentlemen of the Senate and House of Representatives:*

In pursuance of an act to regulate the Branch of the Bank of the State of Alabama at Decatur, approved January twenty-first, one thousand eight hundred and forty-three, I have the honor to nominate to the General Assembly, the following named gentlemen, to wit: James C. Malone, John Glass, Clark Barton, Jonathan Burleson, Thomas Simpson, William A. Sykes, and John W. Swoop, as fit persons for Directors of the Branch Bank at Decatur, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to change the time of holding the chancery courts for the first district of the Southern chancery division:

And, an act for the relief of J. Henri Hottinguer.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills from the House, of the following titles:

A bill to attach ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to Macon county, and amended the same as therein shown:

A bill to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes, and amended the same as therein shown:

A bill to regulate the practice in the chancery courts in this State:

A bill to divorce Benjamin Gleadall, from his wife, Ellen Gleadall:

A bill for the relief of a certain person therein named:

A bill to amend the laws now in force in relation to insolvent estates:

A bill for the relief of Julia S. Sample, of Autauga county:

A Bill for the relief of the administrators of the estate of William H. Betts:

The Senate disagrees to the amendments made by the House to the bill for the relief of B. M. Bradford and Jack Shackelford:

The Senate has rejected a bill from the House to authorize the commissioners court of Greene county, to build a jail at Greensborough:

And has rejected the bill to incorporate the Tallapoosa manufacturing company:

The Senate has passed a bill for the relief of certain persons therein named:

Mr. Rice presented the account of Hogan & Lyon; which was referred to the committee on accounts.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill to provide a fund and make appropriations to defray the expenses of the present General Assembly, and of the Civil List, for the year eighteen hundred and forty-three,—reported the bill back to the House, with amendments; which were concurred in.

Mr. Erwin moved to strike out the fifth section of the bill; which was carried.

Mr. Bridges moved to give the bill a third reading forthwith; which was carried.

The bill was then read the third time, and passed.

Mr. Henley moved to take up the resolution from the Senate, proposing to go into the election of President and Directors for the Branch Banks at Huntsville and Montgomery; which was carried.

Mr. Moore of M. moved to strike out the words “Tuesday next, the seventh instant,” and insert “Wednesday, the eighth;” which was carried.

Mr. McClung moved to amend as follows: And also, for the election of a President and three Directors of the Branch Bank at Decatur.

The amendment was adopted.

Mr. Abernathy moved to amend, by adding—“and also, a State Treasurer and Comptroller;” which was lost.

The resolution as amended, was adopted.

Mr. McClung, from the judiciary committee, to whom was referred a bill to restrict the jurisdiction of certain courts therein named,—reported the bill back to the House, without amendment, and recommended its passage.

Mr. Cochran moved to strike out in the bill all that relates to Cherokee county; which was lost.

Mr. Henley moved to postpone the bill indefinitely; which was lost.—Yeas 26, nays 52:

YEAS—messrs. Barron, Calhoun, Cochran, Cooper, Crowder, Dear, Dunn, English, Erwin, Hill, Henley, Jones of G. Lankford, Marchbanks, McCoy, Morgan of C. Norman, Norris, Oliver, Pettit, Rice, Smith of L. Storrs, Watts, and Whorton.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Clay, Dortch, Douglass, Dubose, Dunklin, Earle, Findley, Fletcher, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hubbard, Kendrick, Kennedy of L. Kidd, Martin, McClung, McLemore, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morrisett, Morrison, Mundy, Murphey, Porter, Richeson, Roby, Scott, Skipper, Smith of P. Smith of T. Tate, Valliant, Walker, Ware, Williams of J. Williams of P. Witherspoon and Woodward.

Mr. McClung moved to give the bill its third reading forthwith; which was lost.

The question was taken on ordering the bill to be engrossed for a third reading, and lost.—Yeas 30, nays 46:

YEAS—messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Clay, Dubose, Dunklin, Earle, Fletcher, Garland, Gasque, Griffin, Hendrix, Hubbard, Kidd, Martin, McClung, McLemore, McMillion, Moore of M. Mundy, Murphey, Richeson, Scott, Skipper, Smith of P. Williams of J. and Witherspoon.

NAYS—messrs. Speaker, Banks, Barron, Cain, Calhoun, Cochran, Cooper, Crowder, Dear, Douglass, Dunn, English, Erwin, Fowler, Henley, Hill, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Launkford, Marchbanks, McCoy, Mitchell, Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Smith of L. Storrs, Tate, Valliant, Walker, Ware, Whorton, Williams of Pickens, Winston of DeK. Winston of S. and Woodward.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles—

An act permanently to locate the site of justice in Dale county, and for other purposes:

An act to extend the time for the removal of certain slaves emancipated by a decree of the county court of Clarke county:

An act to authorize Richard Greene, of Marengo county, to change the guardianship of his ward, Seaborn J. Butler:

An act to repeal an act therein named:

An act for the relief of Sarah Switzer and Sarah P. Atkins:

An act to authorize Aaron A. Burleson to establish a ferry in Morgan county:

An act for the relief of certain persons therein named:

An act for the relief of tales jurors in Covington county:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes:

An act for the relief of Jane Doss:

An act to amend an act entitled, an act to incorporate the town of Dadeville, in Tallapoosa county, approved December twenty-first, eighteen hundred and forty-one:

An act authorizing John Haughton to erect a mill on the west bank of the Coosa river:

An act for the relief of John A. Hurst and Jordan Thornton:

An act more effectually to secure costs to constables in Marion county:

An act extending to the county of Jackson the provisions of certain acts therein named:

An act to change the name of a certain person therein named, and for other purposes:

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders ferry road:

Mr. Winston of S. moved to take up the bill to reduce the fees of the clerks of the several courts in this State, sheriffs and other officers; which was carried.

Mr. Winston of S. moved that the House insist on its amendment, and asked a committee of conference; which was carried—and messrs. Win-

ston of S. Scott, Calhoun, Porter and Moore of M. were appointed on the part of the House.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act for the relief of John M. Yancy:

An act to amend the laws in regard to limitation of actions:

An act authorizing the building of a jail in the town of Huntsville, in Madison county and for other purposes:

An act authorizing the judge of the county court of Lowndes county, to sell certain lands, the property of Robert C. and Matilda F. Beattie, and for other purposes:

An act to repeal in part, a certain act therein named.

Mr. Calhoun moved to suspend the orders of the day to take up messages from the Senate; which was lost—Yeas 34—nays 46:

YEAS—messrs. Abernathy, Banks, Barron, Calhoun, Cooper, Crowder, Douglass, English, Erwin, Gasque, Henley, Hill, Jackson, Kendrick, Kennedy of L. Lankford, Marchbanks, McClung, Morrisett, Murphey, Norris, Pettit, Richeson, Roby, Skipper, Storrs, Tate, Turner, Valliant, Walker, Ware, Williams of P. Winston of DeK and Woodward.

NAYS—messrs. Speaker, Barclay, Bishop, Cain, Clay, Cochran, Dear, Dubose, Dunklin, Dunn, Earle, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hubbard, Jones of Conecuh, Jones of G. Kidd, Martin, McCoy, Meriwether, Miree, Mitchell, Moore, of M. Morgan of C. Morrison, Mundy, Norman, Oliver, Pickett, Porter, Rice, Richeson, Scott, Smith of L. Smith of P. Watts, Whorton, Williams of J. and Witherspoon.

The House resumed the consideration of the bill concerning executions, and for other purposes, which was made the special order for twelve o'clock, of this day.

Mr. Erwin moved to lay the bill on the table; which was carried.—Yeas 45—nays 39:

YEAS—Messrs. Speaker, Abernathy, Banks, Barron, Calhoun, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Gasque, Harris, Harrison, Henley, Hill, Jackson, Jones of G. Kennedy of L. McClung, McCoy Miree, Mitchell, Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Robinson, Smith of L. Smith of P. Tate, Valliant, Ware, Watts, Williams of P. and Witherspoon.

NAYS—messrs. Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Findley, Fletcher, Fowler, Garland, Griffin, Hendrix, Hubbard, Jones of Conecuh, Kennedy, of M. Kidd, Marchbanks, McMillion, Meriwether, Moore of M. Morrison, Mundy, Murphey, Norman, Porter, Rice, Richeson, Roby, Scott, Skipper, Smith of T. Turner, Walker, Whorton, Williams of J. Winston of DeK. and Woodward.

The House next preceeded to the consideration of the bill to retrench the expenses of the University, provide for the education of the poor, and for other purposes.

The question was on the substitute of the committee.

Mr. Jones of G. moved to lay the bill and amendment on the table; which was lost—yeas 26, nays 54:

**YEAS**—messrs. Barron, Calhoun, Clay, Douglass, Dunn, English, Erwin, Harrison, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, Moore of M. Norman, Norris, Oliver, Pettit, Porter, Rice, Roby, Storrs, Tate, Valliant, Ware and Woodward.

**NAYS**—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, McMillion, Meriwether, Mitchell, Morgan of A. Morrisett, Morrison, Mundy, Richeson, Scott, Skipper, Smith of L. Smith of P. Smith of T. Turner, Walker, Whorton, Williams of J. Williams of P. Winston of DeK. and Witherspoon.

The question recurred upon the adoption of the amendment offered by the committee.

And then the House adjourned.

#### AFTERNOON SESSION, February 7, 1843.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to retrench the expenses of the University, to provide for the education of the poor, and for other purposes.

The question still pending on the adoption of the substitute reported by the committee.

Mr. Watts moved to postpone the bill and amendment indefinitely; which was lost—yeas 30, nays 45:

**YEAS**—messrs. Barron, Calhoun, Clay, Douglass, Dunklin, Dunn, English, Erwin, Jones of G. Kidd, McClung, McCoy, McLemore, Moore of M. Morgan of C. Norman, Norris, Oliver, Pettit, Porter, Roby, Smith of P. Storrs, Tate, Valliant, Ware, Watts, Williams of J. Witherspoon and Woodward.

**NAYS**—messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Crowder, Dear, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Hendrix, Henley, Hill, Hubbard, Jackson, Jones of C. Kendrick, Lankford, Marchbanks, Martin, McMillion, Meriwether, Muree, Morrisett, Morrison, Mundy, Rice, Richeson, Scott, Skipper, Smith of L. Smith of T. Walker, Whorton, Williams of P. Winston of DeK. and Winston of S.

Mr. Henley moved to amend by way of proviso, as follows, to come in at the end of the third section:

*Provided, That not more than two shall be received from any county.*

Mr. Erwin of G. (Mr. McClung in the Chair,) moved to lay the amendment on the table; which was lost.

The amendment was adopted:

Mr. Norris moved to amend the sixth section, by striking out the figures "twenty-seven," and insert "thirty;" which was carried.

Mr. Campbell moved to amend as follows, to come in at the end of the fifth section:

And that no compensation shall hereafter be paid to any person, for services as trustee.

Mr. Smith of P. moved to lay the amendment on the table; which was lost.

The amendment was adopted.

Mr. Watts moved to strike out the second section; which was lost.

Mr. Henley moved to amend by striking out in the fifth section, the word "reduced," and insert the word "increased." By striking out the word "one," and inserting the word "three;" which was adopted.

Mr. Calhoun moved to amend as follows: "And that the Judges of the Supreme and Circuit Courts, and Chancellors, shall be trustees, *ex officio*."

The amendment was adopted.

Mr. Mundy moved to strike out the word "three," in the second section; which was lost.

The substitute of the committee was then adopted.

Mr. Henley moved the previous question; which was sustained.

The bill was then ordered to be engrossed for a third reading. Yeas 40—nays 19.

YEAS—messrs. Banks, Barclay, Bishop, Bridges, Caffey, Cain, Cochran, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Griffin, Hendrix, Henley, Hill, Hubbard, Jackson, Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McMillion, Morgan of A. Morrison, Mundy, Pickett, Rice, Richeson, Robinson, Scott, Smith of P. Turner, Whorton, Williams of J. Williams of P. Winston of DeK. and Winston of S.

NAYS—messrs. Barron, Calhoun, Campbell, Dunklin, English, Erwin, Jones of G. McClung, McCoy, McLemore, Moore of M. Norris, Roby, Storrs, Valliant, Ware, Watts, Witherspoon and Woodward.

And then the House adjourned.

#### NIGHT SESSION, February 7, 1843.

Mr. Hubbard moved to take up bills on their second reading; which was carried.

The bill to amend an act to authorize tax collectors to receive in payment of taxes certain claims therein named, approved December twenty-third, eighteen hundred and forty-two, was read the second time and referred to the committee on ways and means.

The bill to divorce Mary P. Judson from her husband, Lewis Judson, was read the second time, rule suspended, read the third time and passed.

The bill to vest in Martha Ann Moore, wife of J. J. Moore, certain rights and privileges therein named, and for other purposes, was read the second time, rule suspended, read the third time and passed.

The bill for the relief of Sally C. Gunn, was read the second time, rule suspended, read the third time and passed.

The bill to repeal in part and amend an act approved February first, eighteen hundred and thirty-nine, in relation to the retail of spirituous



liquors, was read the second time and referred to the committee on propositions and grievances.

The bill to charter and incorporate the members of the Mobile Lodge No. Two, of the Independent Order of Odd Fellows, in the city of Mobile, was read the second time, rule suspended, read the third time forthwith and passed.

The bill for the relief of Howel E. Chitty, was read the second time, and Mr. Henley moved to amend by additional section as follows:

*And be it further enacted*, That the several oaths in relation to duelling of persons entering on the discharge of the duties of any officer, and also of attorneys and counsellors at law, be and the same are hereby repealed.

Mr. Rice moved to lay the amendment on the table; which was carried.

On motion of Mr. Garland, the rule was suspended, the bill read the third time and passed. Yeas 48—nays 16:

YEAS—messrs. Speaker, Barron, Bishop, Bridges, Caffey, Cain, Clay, Crowder, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, Erwin, Fletcher, Garland, Gasque, Harris, Harrison, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Marchbanks, McClung, McLemore, McMillion, Viree, Moore of M. Morgan of C. Morrisett, Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Tate, Watts, Winston of DeK. and Witherspoon

NAYS—messrs. Abernathy, Barclay, Calhoun, English, Findley, Fowler, Griffin, Hendrix, Hubbard, Lankford, Mundy, Norman, Richeson, Smith of P. Valliant, and Whorton.

The bill to authorize the election of an assessor and tax collector for Bibb county and for other purposes, was read the second time, and on motion of Mr. Abernathy, referred to the committee on ways and means.

The bill to secure a homestead to unfortunate families was read the second time.

Mr. Jackson moved to lay the bill on the table; which was lost.

Mr. Henley moved to refer the bill to the judiciary committee; which was lost.

Mr. Calhoun moved to strike out the proviso; which was lost.

Mr. Moore of M. moved to strike out all after the enacting clause and insert a substitute; which was lost.

Mr. Mundy moved to refer the bill to the committee on propositions and grievances; which was carried.

The bill in relation to jurors in Walker county, was read the second time, rule suspended, read the third time forthwith and passed.

The bill to regulate the discount and extension of notes in the State Bank and Branches, was read the second time, and laid on the table.

The bill to regulate the collection of Bank debts was read the second time, and referred to the committee on the State Bank and Branches.

The bill to repeal an act entitled an act to establish the tenth judicial circuit of the State of Alabama, approved January thirty-first, eighteen hundred and forty, was read the second time and laid on the table.

The bill to impose a fine upon the owners of slaves for the neglect of certain duties therein named, was read the second time.

Mr. Rice moved to lay the bill on the table; which was lost.

On motion of Mr. Findley, the bill was referred to the committee on propositions and grievances.

The bill to direct the abatement of prosecution for adultery, in certain cases, was read the second time.

Mr. English moved to amend by striking out the word "adultery," and insert the word "fornication."

On motion of Mr. Barclay, the bill was laid on the table.

The bill to establish a certain election precinct in the county of Mobile was read the second time, and referred to the committee on privileges and elections.

The bill to authorize Robert P. Harrison and his associates to establish a ferry across the Black Warrior, in Blount county, was read the second time.

Mr. Whorton moved to amend by striking out "February," and inserting "May;" which was carried.

The rule was suspended, the bill read the third time and passed.

The bill to authorize Franklin Fortner to erect a toll bridge across the Big Warrior river, was read the second time, rule suspended, read the third time and passed.

A bill to divorce certain persons therein named, was read the second time, rule suspended, read the third time and passed.

The bill to extend the time for collecting the taxes of Walker county, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, was read the second, rule suspended, read the third time and passed.

The bill prescribing the mode by which married women may become free dealers, was read the second time and referred to the judiciary committee.

The bill to require the county officers of Marshall county to receive certain claims therein named, was read the second time, rule suspended, read the third time and passed.

The bill in relation to the settlement of the accounts of executors, administrators and guardians, was read the second time and referred to the committee on the judiciary.

The bill to establish a ferry across Old Town creek, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to secure the sixteenth section funds belonging to township twenty, range five, in Greene county, was read the second time and referred to the committee on the State Bank and Branches.

The bill for the relief of certain persons therein named, was read the second time and laid on the table.

The bill to authorize the commissioners court of Butler county, to levy an additional tax, was read the second time, rule suspended, read the third time and passed.

The bill to repeal in part a certain act therein named, so far as the

sixteenth section thereof relates to Pickens county, was read the second time, rule suspended, read the third time and passed.

A bill to repeal in part an act in relation to sixteenth sections, was read the second time, rule suspended, read the third time and passed.

The bill to increase the county tax in Marengo county, was read the second time, rule suspended, read the third time forthwith, and passed.

The bill to establish a school fund in this State, and for other purposes, was read a second time.

Mr. Barron moved to lay the bill on the table; which was carried.

The bill to amend the road laws so far as they relate to the county of Marengo, was read the second time, rule suspended, read the third time and passed.

The bill to prevent frauds in certain cases, and for other purposes, was read the second time, and referred to the committee on privileges and elections.

The bill to provide a punishment for an offence therein named, was read the second time.

Mr. Douglass moved to lay the bill on the table; which was lost—yeas 33, nays 34:

YEAS—messrs. Abernathy, Barclay, Bridges, Calhoun, Caffey, Cochran, Dear, Douglass, Dubose, Dunklin, Earle, Fletcher, Griffin, Hubbard, Kendrick, Kennedy of L. Lankford. Marchbanks, McMillion, Mirree, Murphey, Norris, Rice, Robinson, Roby. Skipper, Smith of T. Storrs, Turner, Whorton, Williams of J and Winson of DeK

NAYS—messrs. Speaker, Banks, Barron. Bishop, Cain, Campbell, Crowder, English, Erwin. Fowler, Garland, Gasque, Hendrix, Henley, Hill, Jackson, Jones of G. McClung. McCoy, Moore of M. Morrisett, Morrison, Mundy, Oliver, Pettit, Pickett, Porter, Richeson, Smith of P. Valliant, Ware, Watts, Witherspoon and Woodward.

And then the House adjourned.

WEDNESDAY, February 8, 1843.

The House met pursuant to adjournment.

Mr. Norris introduced a bill to amend an act entitled an act to incorporate the Cahawba Academy, in Dallas county; which was read the first time, rule suspended. read the second time, rule further suspended, read the third time forthwith and passed.

Mr. Bridges, from the committee on ways and means, to whom was referred a bill to repeal an act entitled an act to abolish direct taxation, approved January ninth, one thousand eight hundred and thirty-six, reported that the purposes contemplated by the bill, are embraced in the revenue bill, and recommended that the bill be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Woodward, from the committee on roads, bridges, and ferries, to whom was referred a bill to authorize William H. Tarrance to establish a ferry across Old Town creek. reported the same back to the House, with an amendment, and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. Winston of DeK. from the committee on county boundaries, to whom was referred the petition of William M. Kerby and others, reported against the prayer of the petitioners, and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Bridges, from the committee on ways and means, to whom was referred joint resolutions in relation to the Salt wells and springs, belonging to the State of Alabama, reported the same back to the House, and recommended their passage.

Mr. Bridges moved to amend by inserting the word "them," before the word "out;" which was carried.

The joint resolutions were then read the third time and passed.

Mr. Jones of G. from the committee on accounts, to whom was referred sundry accounts, reported a bill to make appropriations for the payment of certain claims against the State; which was read the first time, rule suspended, read the second time, and made the special order for seven o'clock, to-morrow night.

Mr. Jones of G. from the same committee, to whom was referred a bill for the relief of Hiram Defrease, of the county of Talladega, reported the same back to the House, without amendment, and recommended its passage.

The bill was read the third time and passed.

Mr. Jones of G. from the same committee, to whom was referred a bill to compensate Abraham Berry, reported the bill back to the House and recommended its passage.

The bill was read the third time forthwith and passed.

Mr. Kidd, from the committee on the military, to whom was referred joint resolutions from the State of Connecticut, in relation to the National Military Academy at West Point, reported that there is nothing in the joint resolutions that require the action of this General Assembly, and asked to be discharged from their further consideration.

The report was concurred in, and the committee discharged.

Mr. Cochran, from the committee on education, to whom was referred a bill to aid the establishment of a school for the deaf and dumb, reported the bill back to the House, and recommended its passage, with the following amendment.

*Be it further enacted*, That the Governor be, and he is hereby authorized, to pay annually, on the part of the State, the sum of fifty dollars, for each deaf and dumb person, being a citizen of this State, who may go to school to said Gazly, and who, or whose parents are unable to pay for the tuition of such deaf and dumb person.

The amendment was adopted, the bill read the third time, and passed.

Mr. Bridges, from the committee on ways and means, to whom was referred a bill to set apart from the State Bank a sum to defray the expenses of the Penitentiary, for the present year, reported the same back to the House, without amendment, and recommended its passage.

The bill was then read the third time and passed.

Mr. Bridges, from the same committee, to whom was referred a bill

in relation to Creek Indian reservations in this State, reported that it is inexpedient to legislate further on the subject.

The report was concurred in.

Mr. Bridges, from the same committee, to whom was referred a bill to amend the law for the collection of taxes in Autauga county, reported that the objects contemplated by the bill are embraced in the revenue bill—and asked to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Bridges, from the same committee, to whom was referred a bill to regulate the mode of collecting the tax in each and every county in this State, reported that the objects of the bill are embraced in the several revenue acts, which have passed this House—and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. English, from the committee on enrolled bills, reported as correctly enrolled, an act to alter the mode of electing the Directors of the Branch of the Bank of the State of Alabama, at Huntsville.

Mr. Moore of M. from the committee on propositions and grievances, to whom was referred a bill to appropriate to Thomas Brice his expenses, reported the same back to the House, and recommended its passage.

The bill was read the third time and passed.

The caption of the bill was amended by striking out the words "his expenses," and inserting "a sum of money therein named."

Mr. Calhoun moved to suspend the call for reports from select committees, to take up the messages from the Senate.

The House then resumed the consideration of the resolutions on the subject of the assumption of State debts.

Mr. Henley moved to postpone the resolutions for ten minutes; which was carried.

Mr. Henley, from the select committee to which was referred the bill to change the time of holding the Chancery courts in the southern chancery division, reported a substitute.

The substitute was adopted.

Mr. Ware moved to amend by an additional section, as follows:

*And be it further enacted*, That the judge of the southern chancery district be, and he is hereby required to hold a separate court for the county of Montgomery, on the first Monday of July, in each and every year, in addition to the court now required by law.

The amendment was adopted, the bill was read the third time and passed.

A message from the Governor, by Mr. Garrett:

*Gentlemen of the Senate and House of Representatives:*

In pursuance of an act to put in liquidation the Branch of the Bank of the State of Alabama, at Huntsville, approved, February fourth, eighteen hundred and forty-three, I have the honor to nominate the following named gentlemen—*Joseph Rice, George Steele, John D. King, Joseph C. Bradley, John J. Fackler, William Echols and Francis J. Levert*, as

fit persons for Directors of the Branch Bank at Huntsville, for the year eighteen hundred and forty-three.

(Signed.)

BEN. FITZPATRICK.

Mr. Campbell, from the select committee, to whom was referred the bill to regulate the expenditures of Mobile county, and for other purposes, reported the same back to the House, and recommended its passage.

The bill was read the third time and passed.

Mr. Walker, from the committee on privileges and elections, to whom was referred a bill to establish certain election precincts, and for other purposes, reported the bill back to the House with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles:

An act to legalize the acts of Thomas M. King, Noel B. Warren, and James P. Poston, commissioners of the sixteenth section, township four, range five, in Jackson county:

An act to extend the limitation of prosecutions in Montgomery county:

An act to divorce Margaret Oliver, from her husband, Creed T. Oliver:

An act to amend an act entitled an act to restrain excessive taxation for county purposes, in the county of Tallapoosa, approved December twenty-ninth, eighteen hundred and forty one:

An act to compensate the judge of the county court of Pickens county, in certain cases, and for other purposes:

An act to define and establish the line between the counties of De Kalb, Marshall and Jackson:

An act regulating the issuing of patents for sixteenth section lands:

An act regulating the proof required to sustain an action at law, in certain cases:

And an act to amend an act entitled an act to incorporate the town of Warrenton, in Marshall county:

Which bills originated in the House of Representatives.

The House took up the special order, it being the bill to raise a revenue to maintain the plighted faith of the State of Alabama.

Mr. Griffin moved to postpone the bill until to-morrow, and make it the special order for eleven o'clock; which was carried.

Mr. English, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act for the relief of Julia S. Sample, of Autauga county:

An act for the relief of certain persons therein named:

An act for the relief of the administrators of the estate of William H. Betts:

And an act to divorce Benjamin Gleadall, from his wife, Ellen Gleadall.

Mr. Calhoun moved to take up the messages from the Senate ; which was carried.

A message from the Senate, by Mr. Scales :

Mr. Speaker—The Senate has passed bills of the following titles :

A bill to require the county officers of Marshall county, to receive certain claims therein named :

And a bill making appropriations for certain claims against the State—and amended the same as therein shown.

The bill from the Senate, supplemental to an act entitled an act to alter the mode of assessing and collecting the taxes in Sumter county, approved January fourth, eighteen hundred and forty-three, and for other purposes, was read the first time, rule suspended, read the second time, rule further suspended, read the third time forthwith, and passed.

The bill from the Senate, to incorporate the Erosophic Society of the University of Alabama, was read the first time, rule suspended, read the second time, rule further suspended, read the third time, and passed.

The bill from the Senate, to incorporate the town of New Lexington, in Tuscaloosa county, was read the first time, and ordered to a second reading

The bill from the Senate, to authorize Nelson H. White to turnpike a certain road therein named, was read the first time, rule suspended, read the second time, and referred to the committee on roads, bridges and ferries.

The bill from the Senate, to repeal, in part, an act to incorporate the town of Blountsville, in Blount county, approved December twentieth, eighteen hundred and thirty-seven, was read the first time, rule suspended read the second time, rule further suspended, read the third forthwith, and passed.

Mr. Dear, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles :

An act to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes :

And an act to amend the charter of the city of Tuscaloosa.

The bill from the Senate, to amend an act entitled an act regulating punishments under the Penitentiary system, was read the first time, rule suspended, read the second time forthwith, and the rule further suspended, the bill read the third time, and passed.

The bill from the Senate, to regulate suits against the Bank of the State of Alabama, or any of the Branches thereof, was read the first time, rule suspended, read the second time forthwith.

Mr. Rice moved to lay the bill on the table ; which was lost.

The bill was then referred to the judiciary committee.

The bill from the Senate, to authorize Alexander White, administrator of John White, deceased, to dispose of so much of the real estate of which the said John White, deceased, seized, as shall be sufficient to discharge the debts of said estate, was read the first time, and on motion of Mr. Henley, was laid on the table.

The bill from the Senate, amendatory of the laws in relation to the

estates of deceased persons, was read the first time, rule suspended, read the second time, and referred to the committee on the judiciary.

The hour of twelve having arrived, Mr. Barclay moved to suspend the orders of the day, to take from the table the bill to authorize Alexander White, administrator, and Sarah White, administratrix, of John White, deceased, to dispose of so much of the real estate of which said John White, deceased, seized, as shall be sufficient to discharge the debts of the said estate; which was lost.

Mr. Norris moved to suspend the orders of the day, to proceed with the messages from the Senate; which was carried.

The Bill from the Senate, changing the direction of the tax fees on suits at the instance of the Bank of this State, was read the first time.

Mr. Campbell moved to lay the bill on the table; which was lost.

Mr. McClung moved to postpone the bill indefinitely; which was lost—Yeas 26—nays 54.

YEAS—messrs. Speaker, Banks, Caffey, Campbell, Clay, Erwin, Gasque, Jackson, Kendrick, Kennedy of L. Meriwether, McClung, McCoy, Moore of M. Morrisett, Oliver, Pettit, Porter, Rice, Robinson, Roby, Smith, of L. Smith of P. Smith of T. Tate, Ware and Watts.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Jones of C. Jones of G. Kidd, Lookford, Marchbanks, Martin, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morrison Mundy, Norman, Norris, Richeson, Scott, Skipper, Turner, Valliant, Walker, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward.

Mr. Henley moved to suspend the further consideration of the bill until to-morrow, at half past ten o'clock, and make it the special order for that hour.

Mr. Campbell moved to postpone the bill until three o'clock, to-morrow, and make it the special order for that hour; which was lost.

The question was then taken on the motion of Mr. Henley, and carried.

Mr. Scott, from the committee on enrolled bills, reported, as correctly enrolled:—An act for the relief of Hiram A. Defreeze, of Talladega county.

Mr. Robinson moved to suspend the further consideration of the messages from the Senate, in order to take up the bill to divide the State Alabama into seven Congressional districts.

Mr. Norris, moved a call of the House; which was lost.

The question was then taken on the motion of Mr. Robinson, and carried.

The House then proceeded to the consideration of the bill to divide the State of Alabama into seven Congressional districts.

The bill was read the third time.

Mr. McClung moved to amend by way of engrossed ryder.

The amendment was read three times, and adopted.



Mr. McClung moved further to amend by way of engrossed ryder; which was read three times, and adopted.

The question was then taken on the passage of the bill, and decided in the affirmative—Yeas 48 nays 37:

YEAS—messrs. Abernathy, Barclay, Bishop, Campbell, Clay, Cochran, Douglass, Dunklin, Earle, English, Findley, Fletcher, Fowler, Garland, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of C. Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, M. Million, Miree, Moore of M. Morgan of A. Morrison, Mundy, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Turner, Valliant, Walker, Whorton, Williams of J. Winston of DeK and Woodward.

NAYS—messrs. Speaker, Banks, Bothwell, Bridges, Caffey, Cain, Calhoun, Crowder, Dear, Dubose, Dunn, Erwin, Gasque, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Norris, Oliver, Pettit, Pickett, Porter, Smith of P. Ware, Watts, Williams of P. Winston of S. and Witherspoon.

So the bill passed.

Mr. Ware moved to amend the caption, by adding the words—"according to the white population."

Mr. Bishop moved to lay the amendment on the table; which was lost.—Yeas 40, nays 46:

YEAS—messrs. Abernathy, Barclay, Bishop, Bothwell, Bridges, Cain, Clay, Cochran, Douglass, Dubose, Dunklin, Findley, Fletcher, Garland, Griffin, Hendrix, Jones of C. Lankford, Marchbanks, McClung, McMillion, Miree, Moore of M. Morrison, Norman, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Tate, Turner, Valliant, Whorton, Williams of J. and Winston of S.

NAYS—Messrs. Speaker, Banks, Barron, Caffey, Calhoun, Campbell, Cooper, Crowder, Dear, Dunn, Earle, Fowler, Gasque, Harris, Harrison, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, Martin, McCoy, McLemore, Mitchell, Morgan of A. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Smith of P. Storrs, Walker, Ware, Watts, Williams of P. Winston of DeK. Witherspoon, and Woodward.

The amendment to the caption was then adopted —Yeas 59, nay 25:

YEAS—messrs. Speaker, Banks, Barron, Caffey, Cain, Calhoun, Clay, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Henley, Hill, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, McLemore, McMillion, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Scott, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, Williams of J. Williams of P. Winston of DeK. Witherspoon, and Woodward.

NAYS—messrs. Abernathy, Barclay, Bishop, Bothwell, Bridges, Campbell, Cochran, Douglass, Dubose, Dunklin, English, Hendrix, Hub-

bard, Jones of C. Marchbanks, Miree, Norman, Rice, Richeson, Robinson, Roby, Skipper, Smith of L. Tate, and Turner.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate concurs in the amendments made by the House to the amendments of the Senate, to a bill from the House to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State:

And also, concurs in the resolution of the House, to go into the election of a President and three Directors of the Branch Bank at Decatur, on Wednesday, eighth instant.

Mr. Jones of G. submitted the following Protest against the passage of the resolution offered by Mr. Hubbard, on the subject of laying off the Congressional districts on the basis of white population alone:

We, the undersigned members of the House of Representatives, who voted in the minority against the passage of the resolution instructing the select committee to lay off the Congressional districts on the basis of white population alone, without regard to the slave population, feel it due to ourselves and our constituents to protest against the passage of the above mentioned resolution, for the following reasons:

First —Because, the Constitution of the United States provides that a representation in Congress shall be based on numbers, and that the number entitled to representation “shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons;” and the resolution, in our opinion, is a plain and direct violation of the provisions of the Constitution of the United States.

Second.—Because, the right of the people of the slave-holding States to to an increased representation in Congress on account of their slaves, is one of the strongest guarantees in the Constitution against unjust interference on the part of the General Government with the popular institutions and rights of the slave-holding States,—and the resolution tends to impair that right, and overthrow that guarantee.

Third.—Because, heretofore in Alabama, and so far as we are informed, in all the other slave-holding States, Congressional districts have uniformly been laid off on the basis prescribed by the Constitution of the United States, and never on the basis of white population alone; and this resolution, unnecessary and without being called for by the people, violates and overthrows this uniform and long established usage, and introduces an alarming and dangerous innovation.

Fourth.—Because, the resolution, though not intended for such a purpose, does, in our opinion, countenance and accord with the doctrines of the abolitionists, tends to encourage them in their wicked schemes, and gives to the rights and institutions of the slave-holding States the most dangerous blow that they ever received from southern men.

Fifth —Because, the resolution, in its practical effects, works the double injustice of giving to the northern part of the State an undue advantage over the south in electing members of Congress,—and to the dominant political party in the State, an equally unjust advantage over those who differ with them in opinion; and we deem it impolitic and unwise

that the majority should make an innovation which places them in a position of seeming to be guilty of the sin of oppression, and tends to engender in the minority the deep, indignant and bitter resentment, which free-men must ever feel and express when conscious that their rights are wantonly violated.

(Signed,)

<i>Wm. G. Jones,</i>	<i>Jno. W. Henley,</i>
<i>Isaac H. Erwin,</i>	<i>Wm. H. Norris,</i>
<i>John Barron,</i>	<i>Jas. H. Crowder,</i>
<i>Robert J. Ware,</i>	<i>John Morrisett,</i>
<i>Chas. Dear,</i>	<i>Joseph Pickett,</i>
<i>Thos. W. McCoy,</i>	<i>Wm. C. Morgan,</i>
<i>J. F. Storrs.</i>	<i>Chas. McLemore,</i>
<i>Wm. D. Dunn,</i>	<i>Marion Banks,</i>
<i>Benj. F. Porter,</i>	<i>Churchill Jones,</i>
<i>Whiting Oliver,</i>	<i>J. M. Witherspoon,</i>
<i>John Jackson.</i>	<i>Thomas H. Watts,</i>
<i>Wilson M. Kidd,</i>	<i>John E. Mitchell,</i>
<i>Britain D. Harris.</i>	

Mr. Campbell submitted the following protest:

The undersigned, a member of the House of Representatives from the county of Mobile, having voted in the minority on the resolution of Mr. Hubbard, in regard to the manner of dividing the State into Congressional districts, avails himself of the constitutional privilege of placing on the Journals of the House the reasons for his vote.

The constitution of the United States provides for the apportionment of Representatives in Congress, and designates the persons by whom they shall be chosen.

The apportionment of Representatives is made among the several States included in the Union, according to the population of the States, adding, (among other persons,) three-fifths of the slave population.

The persons who shall elect members of the House of Representatives are appointed in the constitution.

They are to be chosen by the people of the several States. Who constitute the "people" of the State, who have been appointed by the constitution of the United States to choose Representatives in Congress?

This is the question presented in the resolution. The people of the State are those who have succeeded to the parties that formed the social compact, by which our State was called into existence. They are the successors of those who framed the State government, and are recognized in its constitution as the source of all power. They are those who can alter, abolish, or reform the government at pleasure. They are the successors of those who gave a valid assent to become members of the Federal Union. Those are the persons recognized by the constitution as having the right to choose the members of the House of Representatives to the Congress of the United States. Slaves are not recognized as parties to the compact. They are not a part of the people. In the choice of Representatives—their voice is not heard.

Who then constitute the "people" of the State? My answer is the free white citizens of the State.

If this power was exercised by the mass of the people, it is admitted that the existence of the slave population would not be regarded. Under the general ticket system, the free white persons of the State stand upon equal terms. The district system has been adopted for its convenience, because the representative is better known to his constituents, and has a better acquaintance with the local interests of those who select him. Because his responsibility is more direct, and the constituency have better opportunities to form their judgment upon the claims of candidates for their suffrages.

It has never been contended that the basis of political power has been altered by the division of the State into districts.

If the people, to whom the power of choice of members to Congress is committed, are divided, the undersigned conceives that the power should be distributed in the same proportion.

If the people at large are the depositories of the power, and for the convenience of its exercise, the people are distributed in parts, the power should be distributed according to the same rule.

The vote then of the undersigned against the resolution was not founded upon an objection to the principles it contained. The undersigned preferred an arrangement of the districts which would have harmonized both opinions. He saw nothing in the distribution of slave population in the State that made it necessary for the inquiry to be made that is contained in the resolution.

He believes that an equitable arrangement of the districts could have been made, which would have yielded to the free white citizen all his rights. Which would have embodied in each district an equal portion of slave population; which would then have offended no party or sentiment.

The undersigned at various times expressed this opinion, openly and distinctly to the House of which he is a member. He earnestly invited the course, which, being followed, would have prevented discord, and yielded quiet and satisfaction. He objected to the resolution and amendment as mischievous; calculated to bring no aid to the counsels of the State, or good to the people. He moved to lay the subject on the table.

Against the proceedings of the undersigned opposition was enlisted. A large majority, composed of men holding both opinions, challenged discussion. Some who opposed the resolution, taunted those who favored the moderate course desired by the undersigned, as men wishing to dodge, and it was more than insinuated they were afraid to meet the issue.

The undersigned felt it to be his duty, from his place, to rebuke these insinuations, and upon the same principle of duty, he enters this protest against the votes of the majority on the motion to lay the subject on the table and on the resolution.

JOHN A. CAMPBELL.

## AFTERNOON SESSION, February 8, 1843.

The House met pursuant to adjournment.

Mr. Rice offered the following resolution:

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of going into the election of a President and three Directors for each of the Branches of the Bank of the State of Alabama, at Montgomery, Decatur and Huntsville,

The Senate repaired to the Hall of the House, and the two Houses proceeded first to the election of the President of the Branch Bank at Montgomery.

Mr. Oliver submitted the following statement:

*Liabilities of John Martin, at Montgomery Branch*—As principal, one thousand nine hundred and twenty-four dollars and twenty-one cents; as security, five thousand and seven dollars. Total, six thousand nine hundred and thirty-one dollars and twenty-one cents.

The above is all I find on the books, after examining them twice—there may be other liabilities, but if so, I have been unable to find them. The report of the Cashier of the Bank at Montgomery, not now in my hands, will furnish the true amount.

(Signed,)

WM. HAWN.

We, the undersigned, addressed a note to the Cashier of the Bank of the State of Alabama, and received the above answer. It is doubtless the true amount. We have no hesitancy in saying that we believe John Martin to be capable and faithful.

(Signed,)

JOHN S. HUNTER.  
SAMUEL C. OLIVER,  
W. R. ROSS,  
A. J. McALLISTER.

The following was also submitted:

Concurring entirely with the Governor's opinion of the qualifications of Col. Frances Bugbee to perform the duties of Bank Director, yet as his personal friends, we ask leave to request the members of the two Houses not to vote for him, as it is very probable that he will not serve if elected.

(Signed,)

SAM'L C. OLIVER,  
R. J. WARE,  
D. E. WATROUS,  
WM. B. MOORES,  
PEYTON KING,  
JOHN W. HENLEY.

I concur in the request, and in the opinion of Col. Bugbee's qualifications.

(Signed,)

J. A. CAMPBELL.

*John Martin* alone being in nomination, and he having received one hundred and four votes, that being a majority of the whole number of

votes given, Mr. Speaker declared him duly elected President of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to the election of three Directors of the Branch Bank at Montgomery:

*Messrs. Nimrod E. Benson, William O. Baldwin, Alvin A McWhorter, Joseph Harper, Francis Bugbee, William Chisolm and Leander Bryan*, having been nominated by the Governor—

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous, of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMilion, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valiant, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Benson*, are messrs. President, Brindley, Creagh, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McVay, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walker and Watkins, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bothwell, Bridges, Cain, Campbell, Clay, Cochran, Crowder, Dear, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMilion, Meriwether, Miree, Mitchell, Moore of M. Morgan of C. Morrison, Mundy, Norman, Norris, Pettit, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Turner, Walker, Ware, Whorton, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Bryan*, are messrs. Brindley, Foster, McConnell, Moores, Reese, Rodgers, and Watrous, of the Senate; and messrs. Speaker, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Clay, Cooper, Crowder, Douglass, Erwin, Findley, Fletcher, Griffin, Hill, Hubbard, Jackson, Jones of Conecuh, Kendrick, Kennedy of L. Kidd, Meriwether, Mitchell, Moore of M. Morgan of A. Norman, Oliver, Pickett, Smith of L. Smith of P. Storrs, Williams of P. and Winston of S. of the House.

Those who voted for *Mr. Harper*, are messrs. McClanahan, of the Senate; and messrs. Abernathy, Bishop, Caffey, Dubose, Harris, Marchbanks, Martin, Scott and Ware, of the House.

Those who voted for *Mr. McWhorter*, are messrs. President, Creagh, Hudson, McConnell and Rodgers, of the Senate; and messrs. Bothwell,

Gasque, Harrison, Kendrick, Kennedy of M. Kidd, Lankford, Morgan of A. Rice, Smith of P. Storrs, Valliant, Watts and Williams of J. of the House.

Those who voted for *Mr. Chisolm*, are messrs. Brindley, Creagh, Fleming, Hunter, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous, of the Senate; and messrs. Banks, Barclay, Barron, Bridges, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, Earle, English, Erwin, Fowler, Garland, Harris, Hendrix, Hensley, Hubbard, Jackson, Jones of G. Kennedy of L. McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morrison, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Richeson, Roby, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Witherspoon and Woodward of the House.

Mr. Skipper voted for *Mr. Bugbee*.

*Messrs. Baldwin, Benson and Chisolm*, having each received a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama, at Montgomery, for and during the time prescribed by law.

The two Houses next proceeded to the election of a President for the Branch Bank at Decatur—*George W. Carroll* and *Jesse W. Garth*, were put in nomination, and in accordance with law, the following statements were presented:

The undersigned beg leave to nominate *Jesse W. Garth*, as a suitable person for the Presidency of the Branch Bank at Decatur; that the said *Garth* is not indebted to the Bank of the State of Alabama, or either of its Branches, as they are informed and believe; that the said *Garth* is not under protest; that he is solvent; and that he is competent for the discharge of the duties of President.

(Signed,)

GREEN P. RICE,  
MILTON McCLANAHAN.

*Mr. Carroll* is a planter, owning a large and productive estate. He is a good business man—of fine moral character; and his former close and unremitting attention to his duties as Director of the Decatur Bank, is the best guaranty that he will faithfully discharge the duties of President. He is indebted to the Banks at Huntsville and Decatur, in some amount, but not more than he can readily pay; and a large portion of what he owes, is as endorser, and not as principal. *Mr. Carroll* is not connected with any shaving, or exchange brokerage operations.

(Signed,)

B. W. HUDSON,  
FELIX G. NORMAN,  
H. M. RODGERS,  
T. W. WALKER,  
N. TERRY.

Those who voted for *Mr. Garth*, are messrs. Brindley, King, McClanahan, Moores, Oliver, Phillips, Watkins and Watrous of the Senate; and messrs. Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Dunn, Earle, Erwin, Findley, Griffin, Harris, Hendrix, Jackson, Jones of Conecuh, Jones of G. Kidd, McClung, McCoy, Norris, Oliver, Pettit,

Pickett, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Ware, Watts, Williams of J. Witherspoon and Woodward.

Those who voted for *Mr. Carroll*, are messrs. President, Buford, Creagh, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Caffey, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunklin, English, Fletcher, Fowler, Garland, Gasque, Harrison, Henley, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Norman, Porter, Richeson, Robinson, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. of the House.

*Mr. George W. Carroll*, having received the highest vote, and a majority of all the votes given, was declared by the Mr. Speaker duly and constitutionally elected President of the Branch of the Bank of the State of Alabama, at Decatur, for and during the term prescribed by law.

The two Houses next proceeded to the election of three Directors for the Branch Bank at Decatur—Messrs. *James C. Malone, John Glass, Clarke C. Barton, Jonathan Burleson, Thomas Simpson, William A. Sykes*, and *John M. Swoop*, having been nominated to the two Houses by the Governor.

Those who voted for *Mr. Barton*, are messrs. President, Brindley, Buford, Creagh, Fleming, Foster, Hudson, Hunter, McAllister, Reese, Rodgers, Ross, Toulmin, Walker, Watkins and Watrous of the Senate; and messrs. Abernathy, Bishop, Bothwell, Bridges, Campbell, Dubose, Findley, Fletcher, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McLemore, Miree, Morgan of A. Morrison, Mundy, Norman, Richeson, Robinson, Winston of DeK. Winston of S. Witherspoon and Woodward of the House.

Those who voted for *Mr. Burleson*, are messrs. Buford, Creagh, King, McClanahan, McConnell, Phillips, Toulmin and Walker of the Senate; and messrs. Bishop, Bridges, Caffey, Cochran, Earle, Gasque, Griffin, Rice, Roby, Skipper, Smith of P. Tate, Watts and Williams of P. of the House.

Those who voted for *Mr. Glass*, are messrs. President, Buford, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Reese, Ross, Rodgers, Watkins and Watrous of the Senate; messrs. Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, English, Erwin, Fowler, Garland, Harrison, Hendrix, Hubbard, Jones of Conecuh, Jones of Cov. Kendrick, Lankford, Martin, McCoy, McLemore, McMillan, Meriwether, Mitchell, Moore of M. Morgan of C. Morrison, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of Pickens, Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.



Those who voted for *Mr. Malone*, are Messrs. President, Brindley, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Rodgers, Toulmin and Watkins of the Senate; and messrs. Speaker, Abernathy, Barron, Bothwell, Caffey, Campbell, Clay, Douglass, Dubose, Dunklin, English, Fletcher, Fowler, Garland, Griffin, Harrison, Henley, Hill, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Mundy, Norman, Porter, Richeson, Robinson, Scott, Smith of L. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

Those who voted for *Mr. Simpson*, are Messrs. Creagh, McVay, Moores, Oliver, Thornton and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bothwell, Cain, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, Erwin, English, Findley, Fletcher, Gasque, Harris, Harrison, Henley, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Laukford, Marchbanks, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell, Morgan of A. Morgan of C. Morrison, Mundy, Oliver, Pettit, Pickett, Porter, Scott, Smith of L. Smith of P. Storrs, Turner, Ware, Whorton and Witherspoon of the House.

Those who voted for *Mr. Scoop*, are messrs. Phillips, Reese, Ross, and Thornton of the Senate; and messrs. Harris, Jackson, Kennedy of L. McLeMore, Morgan of C. and Norris, of the House.

Those who voted for *Mr. Sykes*, are Messrs. Brindley, Hunter, Jones, King, McClanahan, Moores, Oliver, Phillips, Thornton and Walker of the Senate; and Messrs. Speaker, Banks, Barclay, Barron, Cain, Cooper, Crowder, Dear, Dunklin, Dunn, Earle, Erwin, Findley, Fowler, Griffin, Harris, Hill, Henley, Jackson, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Moore of M. Norris, Oliver, Pettit, Pickett, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Turner, Valliant, Walker, Williams of J. and Witherspoon of the House.

*Messrs. James C. Malone, John Glass and Thomas Simpson*, having severally received the highest number of votes, and a majority of all the votes given, were declared by Mr. Speaker, duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama at Decatur, for and during the term prescribed by law.

The two Houses then proceeded to the election of a President of the Branch Bank at Huntsville.

The following statements were submitted:

In compliance with the statute making it the duty of those putting in nomination the name of any gentleman for President of the Bank of the State of Alabama, or any of its Branches, to state, first, his moral character; secondly, the amount of his indebtedness; thirdly, his business qualifications—We, the undersigned, state that *Mr. Thomas Brandon*, of Huntsville, who has lived there for the last thirty years, has, during that whole time, sustained an upright and unimpeachable moral character—is a business man of the first order—having filled the office of clerk of the county court of Madison county, for twelve successive years; the duties of which he discharged faithfully and satisfactorily.

He owes no Bank in this State one dollar—is a man of wealth, made by his own industry and economy. We consider him in every way responsible, solvent, and well qualified to discharge the duties of President of the Branch Bank at Huntsville. We further state, that *Mr. Brandon* is, in our opinion, unconnected, in any way, with brokers or shavers—never having, in the whole course of our acquaintance with him, known him to shave paper, in any way whatever—and we have known him for many years. (Signed,)

NATHANIEL TERRY,  
JAMES ROBINSON,  
H. McVAY,  
BEN. HUDSON,  
F. G. McCONNELL,  
WM. FLEMING.

Most of the statements contained herein, we know to be true. Those from information of others, we fully believe to be true of *Mr. Brandon*.

(Signed,)

DAVID HUBBARD,  
C. C. CLAY, Jr.  
JOHN W. BISHOP.

We, the undersigned, in obedience to the laws of Alabama, requiring that when persons are put in nomination for President of the State Bank, or any of its Branches, that the member shall state in writing, (which shall be read at the clerk's table,) the indebtedness or liability, of every description, of said candidate, to the State Bank or any of its Branches; and furthermore, whether the same be under protest or not; and whether the said candidate is solvent, and competent for the discharge of the duties of President, and by whom made; which shall be placed upon the journals of both Houses of the General Assembly,—beg leave to state, that *Stephen S. Ewing*, who is a candidate for re-election to the Bank at Huntsville, is not under protest; that he does not owe the State Bank, or any of its Branches, one dollar; that he has discharged his duty as President of the Branch Bank at Huntsville, for the last two years, with fidelity; that we believe him to be an able, competent and faithful officer: and we make this statement, upon our personal knowledge of the man, of several years standing; and can say, that there is not a more solvent or punctual man in the State.

DAVID MOORE,  
GREEN P. RICE,  
JOHN W. BISHOP,  
NATHAN SMITH,  
WM. FLEMING,  
D. H. VALLIANT,  
JAMES ROBINSON,  
A. FINDLEY,  
R. T. SCOTT,  
E. W. WILLIAMS,  
WM. M. GRIFFIN,  
JAMES FLETCHER,  
WM. S. PHILLIPS,  
JOHN BARRON,  
WADDY TATE.

*Messrs. Thomas Brandon and Stephen S. Ewing* being in nomination—

Those who voted for *Mr. Ewing*, are messrs. Brindley, Buford, Fleming, King, Oliver, Phillips and Walker, of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bridges, Cain, Campbell, Crowder, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Henley, Hill, Jones of Cov. Jones of G. Kennedy of L. Kidd, Marchbanks, McClung, McCoy, McLemore, Miree, Mitchell, Moore of M. Morgan of C. Morrison, Norris, Oliver, Pettit, Porter, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House.

Those who voted for *Mr. Brandon*, are messrs. President, Creagh, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Reese, Rodgers, Ross, Thornton, Toulmin, Watkins and Watrous, of the Senate; and messrs. Abernathy, Bishop, Bothwell, Caffey, Clay, Cochran, Cooper, Dear, Douglass, Dubose, English, Gasque, Hudson, Hubbard, Jackson, Jones of Conecuh, Kennedy of M. Lankford, Martin, McMillion, Meriwether, Mundy, Norman, Pickett, Richeson, Turner, Williams of P. Winston of S. and Woodward.

*Mr. Ewing* having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama, at Huntsville, for and during the term prescribed by law.

The two Houses then proceeded to the election of three Directors for the Branch of the Bank of the State of Alabama, at Huntsville—*Joseph Rice, George Steele, John D. King, Joseph C. Bradley, John J. Fackler, William Echols* and *Francis J. Levert*—having been nominated by the Governor to the two Houses:

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Buford, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Watkins and Watrous, of the Senate; and messrs. Abernathy, Banks, Barclay, Barron, Crowder, Douglass, Dunn, English, Findley, Fowler, Griffin, Harris, Harrison, Hill, Hubbard, Jones of Cov. Lankford, Martin, McClung, McCoy, McLemore, Moore of M. Morgan of C. Morrison, Mundy, Norman, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Scott, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Echols*, are messrs. Creagh, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Watkins and Watrous, of the Senate; and messrs. Bothwell, Dubose, English, Harris, Jones of Conecuh, Jones of G. Pickett, Scott, Storrs and Tate, of the House.

Those who voted for *Mr. Fackler*, are messrs. Moores, Thornton, Walker and Watrous, of the Senate; and messrs. Banks, Bishop, Cain, Campbell, Cooper, Dear, Erwin, Findley, Garland, Henley, Jackson,

Kennedy of L. Kidd, McClung, McCoy, McLemore, Moore of M. Morgan of C. Porter, Roby, Smith of L. Ware and Witherspoon, of the House.

Those who voted for *Mr. King*, are Mr. McClanahan, of the Senate; and messrs. Bishop, Bothwell, Bridges, Caffey, Clay, Cochran, Douglass, Dubose, Dunklin, Gasque, Hendrix, Kennedy, Kidd, Marchbanks, Miree, Meriwether, Mitchell, Mundy, Pettit, Richeson, Skipper, Smith of L. Smith of P. Turner, Watts and Williams of P. of the House.

Those who voted for *Mr. Levert*, are messrs. President and Thornton, of the Senate; and messrs. Speaker, Barclay, Barron, Bridges, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, Earle, Erwin, Fletcher, Fowler, Garland, Henley, Hill, Jackson, Jones of Concub, Jones of G. Kennedy of L. Kennedy of M. Kidd, Marchbanks, McCoy, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morrison, Norris, Oliver, Pickett, Roby, Skipper, Smith of P. Turner, Watts and Williams of J. of the House.

Those who voted for *Mr. Steele*, are messrs. Brindley, Buford, Creagh, Fleming, Foster, Jones, McConnell, Reese, Rodgers, Ross and Walker, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bridges, Caffey, Cain, Campbell, Cooper, Dear, Dunn, Earle, English, Erwin, Findley, Fletcher, Gasque, Griffin, Harris, Harrison, Hendrix, Henley, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Lankford, Martin, McClung, McMillion, Meriwether, Moore of M. Norman, Morris, Pickett, Porter, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Valliant, Walker, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Rice*, are messrs. President, Brindley, Buford, Creagh, Hudson, Hunter, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Toulmin, Walker and Watkins, of the Senate; and messrs. Speaker, Abernathy, Bishop, Bothwell, Caffey, Cain, Clay, Cochran, Crowder, Dubose, Dunklin, Earle, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of Concub, Jones of Cov. Kennedy of M. Lankford, Marchbanks, Martin, McMillion, Meriwether, Miree, Mitchell, Morrison, Mundy, Norman, Oliver, Pettit, Rice, Richeson, Robinson, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward, of the House.

*Messrs. Bradley, Rice and Steele*, having severally received the highest vote, and a majority of the whole number of votes given, were declared by *Mr. Speaker* duly and constitutionally elected Directors of the Branch Bank at Huntsville, for and during the term prescribed by law.

And then the House adjourned.

NIGHT SESSION, February 5th, 1843.

The House met pursuant to adjournment, and proceeded to the consideration of the bills on their second reading.

The House resumed the consideration of the bill to provide a punishment for an offence therein named.

Mr. Richeson moved to strike out the word "twenty," and insert the word "five."

Mr. Mundy moved to postpone the bill until Monday next; which was carried.

The bill to compel commissioners of sixteenth sections to pay over funds received by them, and for other purposes; was read the second time—rule suspended; read the third time and passed.

The bill to remove a certain precinct; was read the second time, and laid on the table.

The bill in relation to the public roads in Wilcox county, was read the second time.

Mr. Bridges moved to amend by additional section; which was adopted.

The rule was suspended—the bill was read the third time, and passed.

The bill declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into water courses, was read the second time.

Mr. Cooper moved to strike out the second and third sections; which was carried.

Mr. Richeson moved to amend by way of proviso; which was adopted.

The rule was suspended—the bill read the third time forthwith, and passed.

The bill to extend the provisions of certain acts therein named to Blount county, was read the second time—rule suspended, read the third time, and passed.

The bill to repeal an act entitled an act, requiring the Governor to reside at the seat of Government, approved January twelfth, eighteen hundred and thirty-three, was read the second time, and laid on the table.

The bill to change the names of certain persons therein named; was read the second time, and ordered to be engrossed for a third reading.

The bill to repeal a part of an act therein named and for other purposes, was read the second time.

Mr. McClung moved to amend by additional section.

Mr. Henley moved to amend the amendment by striking out the word "three;" which was lost.

Mr. Henley moved to lay the amendment on the table; which was lost.

The amendment was then adopted—the rule was suspended; the bill read the third time forthwith, and passed.

The joint resolutions directory to the Secretary of State, was read the second time—rule suspended, read the third time forthwith, and passed.

The bill to compensate Stephen Sparks for services rendered, as sergeant at arms for the committee on the Judiciary, was read the second time, and laid on the table.

The bill to exempt from and after the fourth of July, eighteen hundred and forty-three, real estate not exceeding forty acres, from execution upon contracts thereafter made, was read the second time.

Mr. Moore of M. moved to amend by way of proviso; which was adopted—the rule suspended, the bill read the third time.

Mr. McClung moved to fill the blank with the words "four hundred;" which was carried.

The question was then taken on the passage of the bill, and carried—yeas 39, nays 18:

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cochran, Cooper, Crowder, Dear, Dubose, English, Findley, Fletcher, Gasque, Harrison, Hubbard, Jones of Conecuh, Jones of G. Kidd, Lankford, Martin, McClung, Meriwether, Moore of M. Morgan of A. Morrison, Mundy, Pickett, Storrs, Porter, Rice, Robinson, Skipper, Tate, Watts, Winston of DeK. and Woodward.

NAYS—messrs. Douglass, Earle, Fowler, Garland, Hill, Jackson, Kennedy of L. McCoy, McLemore, McMillion, Morgan of C. Pettit, Richeson, Roby, Smith of P. Smith of T. Ware and Whorton.

The bill for the improvement of the river Noxubee, in the county of Sumter, was read the second time, rule suspended, read the third time forthwith and passed.

The bill concerning the town of Jasper, in Walker county, was read the second time, and laid on the table.

The bill to repeal the laws now in force, requiring the Judges of the circuit courts in this State, to alternate or exchange circuits, was read the second time, and laid on the table.

The bill to better regulate the employing of township teachers, was read the second time, and laid on the table.

The bill to incorporate the town of Auburn, in Macon county, was read the second time, rule suspended, read the third time, and passed.

The bill to divorce certain persons therein named, was read the second time, rule suspended, read the third time and passed.

The bill concerning chancery practice, was read the second time.

Mr. Kennedy of L. moved to amend as follows:

*Provided*, That nothing in this act shall be so construed, as to prevent the register for the county of Lauderdale, from granting an injunction.

On motion of Mr. Dear, the amendment was laid on the table, the rule suspended, the bill read the third time and passed.

Mr. Martin moved to suspend the orders of the day; which was carried.

Mr. Martin offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, at three o'clock, P. M. on Thursday next, the ninth instant, for the purpose of electing Circuit Judges for the second, third, fourth, sixth, seventh, and ninth judicial circuits in this State.

Mr. Abernathy moved to amend by adding:

"And also, a Comptroller of Public Accounts, and State Treasurer."

The amendment was adopted.

The resolution as amended, was also adopted.

The bill for the relief of Ephraim Pharr and Thomas K. Beck, was read the second time, rule suspended, read the third time, and passed.

The House then took up the bill for the payment of certain claims against the State, the question being on concurring in the amendment of the Senate.

Mr. Jones of G. moved to amend the amendment of the Senate, by striking out "forty," in the appropriation to David H. Trott, and insert "thirty;"

Which was adopted.

Mr. Robinson moved to strike out the appropriation to Logan D. Brandon.

Which was adopted.

And then the House adjourned.

THURSDAY, February 9, 1843.

The House met pursuant to adjournment.

Mr. Storrs asked leave to record his vote on the passage of the bill to divide the State of Alabama into seven congressional districts, which being granted, he voted in the negative.

Messrs. Banks, Harris, Scott, Miree, Murphey, Valliant, Morrisett, Witherspoon asked leave to record their votes on the passage of the bill to exempt from and after the fourth day of July, one thousand eight hundred and forty-three, real estate exceeding forty acres from execution, upon contracts thereafter made, which being granted, messrs. Harris, Scott, Miree, Murphey, Valliant, Morrisett, and Witherspoon voted in the affirmative, and Mr. Banks voted in the negative.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to change the name of a certain person therein named, and for other purposes:

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road:

An act for the relief of John A. Hurst and Jordan Thornton:

An act more effectually to secure costs to constables in the county of Marion:

An act extending to the county of Jackson, the provisions of certain acts therein named:

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river:

An act to amend an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved December thirty-first, one thousand eight hundred and forty one:

An act for the relief of Jane Doss:

An act for the relief of certain persons therein named:

An act for the relief of the administrators of the estate of William H. Betts:

An act to divorce Benjamin Gleadall, from his wife, Ellen Gleadall:

An act for the relief of Julia S. Sample, of Autauga county:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes:

Which originated in the House of Representatives.

Mr. Henley introduced a bill to change the time of holding the county court of Marengo county; which was read the first time, rule suspended, read the second time, rule further suspended, read the the third time forthwith and passed.

The hour of eleven having arrived, the House proceeded to the consideration of the resolution—which was made the special order for that hour:

*Resolved*, That with the concurrence of the Senate, this General Assembly will adjourn *sine die*, on Saturday, the eleventh instant.

Mr. Ware moved to amend by striking out the words "Saturday, the eleventh instant," and inserting in lieu thereof, the words "Tuesday, the fourteenth instant;" which was carried.

The House then proceeded to the consideration of the bill.

Mr. Douglass moved to strike out the fourth section; which was carried.

The bill was read the third time and passed.

Mr. Norris introduced the following resolution—which was adopted:

*Resolved*, That the chairman of the select committee on the University be required to report the bill from the Senate now in his possession for the action of the House forthwith.

Mr. Storrs, from the committee on enrolled bill, reported as correctly enrolled, a bill of the following title:

An act further to amend the charter of the Alabama Life Insurance and Trust Company.

The House then resumed the consideration of the bill changing the direction of the tax fees on suits at the instance of the Banks of this State.

Mr. McClung moved to amend, by striking out all after the enacting clause, and insert as follows:

That from and after the passage of this act, the tax fee of two dollars, in all cases of debts due the several Banks in this State, shall be abolished, except in such cases as are defended.

Mr. Henley moved the previous question; which was sustained.

The question was then taken on ordering the bill to a third reading, and carried.—Yeas 47, nays 29:

YEAS—messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Calhoan, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Harris, Harrison, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Jones of C. Kennedy of M. Lankford, Marchbanks, McMillion, Miree, Mitchell, Morrison, Murphey, Norman, Norris, Pickett, Richeson, Scott, Skipper, Turner, Valliant, Walker, Whorton, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Banks, Bridges, Caffey, Campbell, Clay, Dunklin, English, Erwin, Gasque, Jones of G. Kendrick, McClung, McCoy, Meriwether, Moore of M. Morrisett, Oliver, Porter, Rice, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Ware, Watts and Williams of P.

Mr. Jones of G. offered joint resolutions in regard to the redemption



of large bills, and for other purposes; which was read the first time, rule suspended, read the second time, and referred to a select committee.

The hour of eleven having arrived,—the House proceeded to the consideration of the bill to raise a revenue to maintain the plighted faith of the State of Alabama.

Mr. Campbell moved to refer the bill to a select committee, consisting of five persons; which was carried.

The committee consists of messrs. Campbell, Bridges, Jones of G. Moore of M. Hubbard, Morrisett and Jackson.

The House then resumed the consideration of the resolutions in regard to the redemption of large bills, and for other purposes.

(Mr. Calhoun in the Chair.) Mr. Erwin of G. moved to refer the joint resolutions to a select committee with instructions to report back to the House to-morrow, at eleven o'clock; which was carried.

Mr. Speaker appointed messrs. Jones of G. Winston of S. Findley, Moore of M. and Ware, said committee.

Mr. Bridges introduced a bill in relation to the compensation of Bank Attorneys; which was read the first time.

Mr. Hubbard moved to lay the bill on the table; which was lost.

Mr. Erwin of G. moved to postpone the bill until to-morrow, and make it the special order for eleven o'clock; which was carried.

Mr. Campbell offered the following resolution—which was adopted:

*Resolved*, That the principal clerk of the House have power to employ such additional assistance for the engrossment and enrollment of bills, as may be necessary to complete the business of the House: *Provided*, such clerk so employed, shall not receive more than three dollars per day for his services.

The House then took up the message from the Senate, and proceeded to the consideration of the bill for the payment of certain claims against the State.

The question being on concurring in the amendments of the Senate.

Mr. McLemore moved to reconsider the vote striking out the appropriation to Logan D. Brandon; which was lost.

The amendment of the Senate as amended, was then adopted.

Mr. Kennedy of L. from the committee on enrolled bills, reported as correctly enrolled—an act to amend the laws now in force in relation to insolvent estates.

The bill from the Senate, to amend the charter of the Montgomery Railroad Company, and for other purposes, was read the first time, rule suspended, read the second time, rule further suspended, read the third time, and passed.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill to compensate Robert Penner and others, for services therein specified:

A bill to regulate the management and expenses of the Bank of the State of Alabama, and its several Branches:

And, joint resolutions of the Senate and House of Representatives of the State of Alabama, in General Assembly convened:

The Senate has rejected a bill to prevent surprise and injury to defend-

ants in execution, approved January twenty-fourth, eighteen hundred and thirty-nine:

All of which originated in the House of Representatives.

The Senate has passed a bill to change the time of holding the county courts of Marengo county:

And, joint resolutions in regard to stationery furnished State officers:

Also, a resolution to go into the election of Judges for the second, third, fourth, sixth, seventh, and ninth circuits; also, a Comptroller of Public Accounts, and a State Treasurer, on Friday next, the tenth instant, at the hour of three o'clock, p. m.

The hour of twelve o'clock having arrived, the House refused to suspend the orders of the day.

The bill from the Senate, for the relief of James T. Lindsay, was read the third time, and passed.

The engrossed bill to retrench the expenses of the State University, to liquidate the University bank debt, and to provide for the education of the poor, was read the third time.

Mr. English moved the previous question; which was sustained.

The question was then taken—Shall the bill pass? and negatived.—Yeas 38, nays 38:

YEAS—messrs. Barclay, Bridges, Bishop, Caffey, Cain, Cooper, Dear, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Hendrix, Henley, Hubbard, Jones of C. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McMillion, Mirce, Morgan of A. Morrison, Mundy, Murphey, Rice, Richeson, Robinson, Scott, Skipper, Smith of T. Turner, Whorton, Williams of P. and Winston of S.

NAYS—messrs. Speaker, Banks, Barron, Calhoun, Campbell, Clay, Cochran, Douglass, Dunklin, English, Erwin, Gasque, Harrison, Hill, Jackson, Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, Moore of M. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Porter, Roby, Smith of L. Smith of P. Storrs, Tate, Valliant, Ware, Watts and Witherspoon.

Mr. Norris moved to suspend the orders, to take up the bill for the better organization of a board of Trustees for the University of Alabama; which was carried.

Mr. Calhoun moved to amend as follows, to come in after the words "Supreme Court Judges," "And the Judges of the Circuit Court and Chancellors."

On motion of Mr. Barron, the amendment was laid on the table.

Mr. Jones of G. moved to amend as follows: "To be nominated by the Governor to the Senate, within the first month after the meeting of the legislature, annually, and to be appointed by the Governor, by and with the advice and consent of the Senate."

Mr. Erwin of G. (Mr. Walker in the Chair,) moved the previous question; which was sustained.

The bill was ordered to a third reading.

Message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives, that the Senate adheres to its resolution of non-concurrence in the

amendments made by your honorable body to the Senate bill to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, and has appointed messrs. Thornton, Phillips, King, Watrous and Jones a committee of conference on the part of the Senate, on the subject of disagreement between the two Houses.

The engrossed bill for the relief of Adaline Deavreux, was read the third time.

Mr. Moore of M. moved to amend by engrossed ryder; which was adopted—and the bill passed.

The House took up the bill for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

The amendments of the Senate were concurred in.

The bill to confirm the emancipation of a certain slave therein named, was read the first, second and third times and passed.

The bill from the Senate, for the relief of John N. Wills and William Cameron, was read the first time, and, on motion of Mr. Abernathy, was laid on the table.

The bill from the Senate, for the relief of Thomas H. Wiley, was read the first, second and third times and passed.

The House took up the bill for the benefit of the sixteenth section, township sixteen, range twelve, in Dallas county.

The question was on concurring in the amendments of the Senate, and carried.

The bill from the Senate, the better to secure rents was read the first, second and third times and passed.

The House took up the bill for the relief of Peter Eldridge, Isham C. Browder and others.

The question was on concurring in the amendments of the Senate, and carried.

The bill from the Senate, to form an additional regiment in Blount county, and for other purposes, was read the first, second and third times and passed.

The bill from the Senate, to form an additional regiment in the counties of Tuscaloosa and Coffee, was read the first, second and third times and passed.

The bill from the Senate, amendatory of the laws on the subject of divorces, was read the first, second and third times and referred to the judiciary committee.

And then the House adjourned.

#### AFTERNOON SESSION, February 9, 1843.

The House met pursuant to adjournment.

The bill from the Senate, for the relief of the purchasers of the sixteenth section, of township eighteen, range five, east, in the Coosa land district, was read the third time and passed.

The caption of the bill was amended by striking out all after the word "sections."

Mr. English, from the committee on enrolled bills, reported as cor-

rectly enrolled, an act to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State.

Message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to repeal an act therein named:

An act permanently to locate the seat of justice in the county of Dale, and for other purposes:

An act to extend the time for removal of certain slaves emancipated by a decree of the county court of Clarke county:

An act to authorize Aaron A. Burleson to establish a ferry in Morgan county:

An act for the relief of Sarah Switzer and Sarah P. Atkins:

An act to authorize Richard Greene, of Marengo county, to change the guardianship of his ward, Seaborn J. Butler:

An act for the relief of a certain person therein named:

An act for the relief of tales jurors, in the county of Covington:

An act further to amend the charter of the Life Insurance and Trust Company:

An act to amend the laws now in force in relation to insolvent estates:

All of which originated in the House of Representatives.

The engrossed bill to establish and abolish certain election precincts and for other purposes, was read the third time and passed.

The joint resolutions from the Senate, relating to the manufacture of cotton bagging and rope in the Alabama penitentiary, was read the first, second and third times and passed.

The bill from the Senate, to incorporate the town of Van Buren, in De Kalb county, was read the first, second and third times and passed.

The bill from the Senate, to add a part of Monroe to Clarke county, was read the first, second and third times and passed.

The bill from the Senate, to compensate the commissioners for the examination of Clay's Digest, was read the first time and laid on the table.

The House then took up the bill for the relief of B. M. Bradford and Jack Shackelford.

Mr. Douglass moved that the House insist on its amendments; which was lost.

Mr. Kennedy of L. moved to lay the bill on the table, which was lost.

Mr. Walker moved that the House recede from its amendments; which was carried.

The House concurred in the amendments made by the Senate, to the bill to enable the corporate authorities of Mobile city to provide for the security and payment of the debts of said city, and for other purposes.

The bill from the Senate, to regulate the practice in the chancery courts in this State, and for other purposes, was read the first time.

On motion of Mr. Campbell, was laid on the table.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill for the relief of Ephraim Pharr and Thomas K. Beck, and amended the same as therein shewn.

The House concurred in the amendments.

The bill from the Senate, for the relief of a certain person therein named, was read the first time.

Mr. Smith of L. moved to lay the bill on the table; which was lost.

The rule was suspended—the bill was read the second and third times, and passed—Yeas 49—nays 27:

YEAS—messrs. Abernathy, Banks, Barclay, Bothwell, Caffey, Cain, Cochran, Cooper, Crowder, Dubose, Dunn, English, Erwin, Gasque, Harris, Henley, Jackson, Jones of Conecuh, Jones of C. Kendrick, Kennedy of L. Kennedy of M. Kidd, Marchbanks, Martin, McLemore, McMillion, Moore of M. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Oliver, Pettit, Porter, Rice, Richeson, Roby, Skipper, Smith of T. Storrs, Tate, Turner, Walker, Watts, Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Barron, Bishop, Douglass, Dunklin, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Hubbard, Jones of G. Lankford, McClung, McCoy, Meriwether, Miree, Mitchell, Norman, Norris, Scott, Smith of L. Smith of P. Valliant, Williams of P. and Winston of S.

The House concurred in the amendments made by the Senate, to the bill to attach the ten acres of land on which Benj. F. Barron resides, lying in Russell county, to the county of Macon.

The bill from the Senate, concerning the office of clerk of Russell county and circuit courts, was read the first, second and third times and passed.

The joint resolutions from the Senate, in relation to the traffic in bills of exchange by the Bank of the State of Alabama and Branches, was read the first time, and laid on the table.

The House then took up the bill to pay certain contracts for teaching common schools, the Senate having disagreed to the amendment of the House to said bill.

Mr. Campbell moved that the House adhere to its amendment; which was lost.—Yeas 35—nays 58:

YEAS—messrs. Speaker, Banks, Bridges, Caffey, Campbell, Clay, Dear, Douglass, Dunklin, Dunn, English, Erwin, Henley, Hill, Jones of G. McClung, McCoy, Meriwether, Miree, Moore of M. Morgan of A. Morrisett, Mundy, Norris, Oliver, Pickett, Porter, Robinson, Tate, Ware, Watts, Williams of P. Winston of S. and Witherspoon.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Cooper, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Hendrix, Hubbard, Jackson, Jones of Conecuh, Jones of C. Kendrick, Kennedy of L. Kennedy of M. Martin, McMillion, Murphey, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valliant, Walker, Whorton, and Winston of DeK.

Mr. Martin moved that the House recede from its amendment.

Mr. Campbell moved a call of the House; which was lost.

The question was then taken on Mr. Martin's motion, and carried—Yeas 40—nays 36:

YEAS—Messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Campbell, Cooper, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Hendrix, Hubbard, Jackson, Jones of Conecuh, Jones of C. Kendrick, Kennedy of L. Kennedy, of M. Martin, McMillion, Mundy, Murphey, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valliant, Walker, Whorton, and Winston of DeK.

NAYS—messrs. Speaker, Banks, Bridges, Caffey, Clay, Dear, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Henley, Hill, Jones of G. McClung, McCoy, McLemore, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Morrisett, Norris, Oliver, Pickett, Porter, Robinson, Tate, Ware, Watts, Williams of P. Winston of S. and Witherspoon.

Mr. McLemore moved to suspend the forty-third rule; which was carried—Yeas 43—nays 33:

YEAS—messrs. Speaker, Banks, Bothwell, Clay, Cochran, Cooper, Dear, Dunn, Earle, English, Erwin, Gasque, Henley, Hubbard, Jones of C. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Moore, of M. Morgan of A. Morgan of C. Morrisett, Murphey, Norman, Oliver, Porter, Rice, Robinson, Roby, Skipper, Storrs, Tate, Turner, Valliant, Walker, Williams of J. and Winston of S.

NAYS—messrs. Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Crowder, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Jackson, Jones of Conecuh, Miree, Morrison, Mundy, Norris, Pickett, Richeson, Scott, Smith of P. Ware, Watts, Whorton, Winston of DeK. and Witherspoon.

Mr. Dear, from the committee on enrolled bills, reported as correctly enrolled:

An act to compensate Robert Turner, and others, for services therein named:

And also joint resolutions of the Senate and House of Representatives, of the State of Alabama, in General Assembly convened.

Mr. Scott, from the committee on enrolled bills, reported, as correctly enrolled: An act for the relief of Ephraim Pharr and Thomas K. Beck.

And then the House adjourned.

FRIDAY, February 10, 1843.

The House met pursuant to adjournment.

Mr. Rice presented the account of James H. Owen; which was referred to the committee on accounts.

Mr. Smith of T. presented a petition; which was referred to a select committee composed of the delegation from Pickens and Tuscaloosa counties.

Mr. Jackson offered joint resolutions to relinquish the various trust funds now deposited in the Banks to the Banks respectively; which was read the first time, and the House refused to order it to a second reading.

Mr. Woodward, from the committee on roads, bridges, and ferries, to whom was referred the petition of James T. Lawrie and Thomas Edwards, reported a bill to authorize James T. Lawrie and Thomas Edwards to open a turnpike road; which was read the first time.

On motion of Mr. Winston of DeK. was laid on the table.

A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to divide the State of Alabama into nine judicial circuits and to fix the time of holding the terms of the several circuit courts in this State:

An act for the relief of Ephraim Pharr and Thomas K. Beck:

All of which originated in the House of Representatives.

Mr. Woodward, from the committee on roads, bridges and ferries, to whom was referred a bill from the Senate, to authorize Nelson H. White to turnpike a certain road therein named, reported the bill back to the House, and recommended its passage.

The House refused to order the bill to a third reading.

Mr. McClung, from the judiciary committee, to whom was referred a bill amendatory to the laws on the subject of divorces, reported the bill back to the House, and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. McClung, from the same committee, to whom was referred a bill from the Senate, amendatory of the laws in relation to the estates of deceased persons, reported the bill back to the House, with amendments, and recommended its passage.

The amendments being concurred in, the bill was read the third time and passed.

The House then took up the bill in relation to the compensation of Bank attorneys; which was made the special order.

Mr. Henley moved to suspend the special order, to take up the resolutions from the Senate, in relation to the election of Judges of the circuit courts; which was carried, and the amendments of the Senate were concurred in.

The House then resumed the consideration of the special order.

Mr. Bridges moved to postpone the bill until to-morrow, half past ten, and make it the special order for a third reading on that day.

Mr Hubbard moved to refer the bill to a select committee; which was lost.

Mr. Dear moved to amend the bill by additional section.

Mr. Douglass moved to lay the amendment on the table; which was carried.

Mr. Henley moved to amend by way of proviso, as follows:

*Provided*, That said fee shall in no case, be paid by the Bank, though the defendant be insolvent.

Which was adopted.

The question was then taken on the motion of Mr. Bridges, and carried.

Mr. Campbell notified the House that he would move to reconsider

the vote receding from the second amendment of the House, to the bill to pay certain contracts for teaching common schools.

Mr. McClung, from the judiciary committee, to whom was referred a bill to regulate the selection of grand and petit jurors, reported the bill back to the House, and recommended its passage.

Mr. Jones of G. moved to strike out the words "twenty-four," and insert the word "thirty;" which was lost.

Mr. Dear moved to strike out the word "fifteen," and insert "twenty;" which was lost.

Mr. Jones of G. moved to amend by way of proviso; which was adopted.

The bill was read the third time and passed.

Mr. Jones of G. from the select committee, to whom was referred a joint resolution in regard to the redemption of large bills, and for other purposes, reported a substitute; which was adopted.

Mr. Jones of G. moved to lay the original resolution on the table; which was carried.

The Joint resolutions were then read the second and third times and passed.

Mr. McClung, from the judiciary committee, to whom was referred a bill to regulate suits against the Bank of the State of Alabama, or any of the Branches thereof, reported the bill back to the House, without amendment, and recommended its passage.

The bill was read the third time and passed.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to incorporate the Erosophic Society of the University of Alabama:

An act to incorporate the town of Bountsville, in Blount county, approved December twentieth, one thousand eight hundred and thirty-seven:

And, an act to compensate Abraham Berry, of Tuscaloosa county.

Mr. Dear, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to confirm the emancipation of a certain slave therein named:

And, an act supplemental to an act to alter the mode of assessing and collecting the taxes in Sumter county, approved January fourth, one thousand eight hundred and forty three, and for other purposes.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed joint resolutions from the House, in relation to the claims of the State of Alabama on the General Government, and amended the same as therein shown:

And joint resolutions proposing to change the Constitution of the State of Alabama so as to legalize biennial sessions of the Legislature, and to reduce the number of members thereof.

The Senate concurs in the amendment of the House to a bill to amend an act entitled an act regulating punishments under the Penitentiary system.

The Senate concurs in the amendments of the House, to a bill to di-



vide the State of Alabama into seven congressional districts, with the exception of the third section of the amendment, which was amended as therein shown, and then rejected.

The House resumed the consideration of the joint resolutions in regard to the assumption of the State debts by the General Government.

The question being on the amendment offered by Mr. Jones of G., Mr. Rice moved to lay the joint resolutions and amendment on the table; which was lost—Yeas 21, Nays 59:

YEAS—messrs. Banks, Bishop, Caffey, Campbell, Cooper, Dunn, Earle, Erwin, Fletcher, Henley, Hubbard, Jones of Conecuh, Jones of G. McLemore, Morrisett, Oliver, Pettit, Rice, Skipper, Storrs, Ware and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bothwell, Bridges, Cain, Calhoun, Clay, Cochran, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Moore of M. Morrison, Mundy, Murphey, Norman, Norris, Pickett, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of P. and Woodward.

The question then recurred on the amendment offered by Mr. Jones of G.

Mr. Hubbard moved to lay the amendment of Mr. Jones of G. on the table; which was carried.

Mr. Campbell moved to lay the original resolutions and substitute on the table; which was lost—Yeas 20, Nays 56:

YEAS—messrs. Banks, Bishop, Caffey, Campbell, Cooper, Dunn, Earle, Harris, Jackson, Jones of Conecuh, Jones of G. McLemore, Morgan of C. Oliver, Porter, Rice, Skipper, Storrs, Ware and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Bridges, Cain, Calhoun, Clay, Cochran, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McMillion, Meriwether, Miree, Moore of M. Morrison, Mundy, Murphey, Norman, Pettit, Pickett, Richeson, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward.

The question then recurred upon the substitute reported by the committee.

The hour of twelve having arrived, Mr. Smith of T. moved to suspend the orders of the day; which was carried—Yeas 51, Nays 31:

YEAS—messrs. Speaker, Abernathy, Bridges, Cain, Calhoun, Clay, Crowder, Dear, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of C. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, McClung, Martin,

McMillion, Meriwether, Miree, Moore of M. Morrison, Murphey, Norman, Pettit, Richeson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward.

NAYS—messrs. Banks, Barclay, Bishop, Caffey, Campbell, Cochran, Cooper, Dunn, Earle, English, Erwin, Harris, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. McCoy, McLemore, Morgan of C. Mundy, Norris, Oliver, Pickett, Porter, Rice, Scott, Skipper, Storrs, Ware and Witherspoon.

Mr. Cochran moved to amend the substitute, by striking out the words "General Government," and inserting in lieu thereof, the word "Congress;" which was adopted.

Mr. Jones of G. moved to amend, by striking out the first resolution, and inserting as follows:

That the State of Alabama is able, and will pay her debts, and will provide the funds necessary to pay the same.

Mr. Campbell moved to postpone the further consideration of the joint resolutions until to-morrow, at eleven o'clock; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate concurs in the amendments made by the House to the bill making appropriations for the payment of certain claims against the State.

The Senate has passed a bill, to confer certain powers upon the mayor of the city of Tuscaloosa:

Also, a bill to compensate Logan D. Brandon, of the county of Madison.

The bill from the Senate, for the better organization of a board of trustees for the University of Alabama, was read the third time.

Mr. Watts moved to amend by way of engrossed rider.

Mr. English moved to lay the amendment on the table.

Mr. Henley moved the previous question: which was sustained, and the bill passed.

The House concurred in the amendment of the Senate, to a bill to regulate the management of the expenses of the Bank of the State of Alabama, and its several Branches.

The House took up the bill to fix the compensation of the members of the General Assembly, and the officers of the two Houses.

Mr. Barron moved to lay the bill on the table; which was lost—Yeas 25, Nays 36:

YEAS—messrs. Barron, Cain, Douglass, English, Gasque, Harrison, Hendrix, Henley, Jackson, Jones of Conecuh, Jones of Gov. Jones of G. Kendrick, Kidd, McLemore, Morgan of C. Norman, Norris, Oliver, Pettit, Rice, Skipper, Tate, Turner and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Campbell, Dear, Dunn, Earle, Findley, Fletcher, Fowler, Garland, Harris, Lankford, McClung, McMillion, Meriwether, Miree, Morrisett, Pickett, Robinson, Roby, Scott, Smith of P. Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, Winston of DeK. and Witherspoon.

Mr. Bridges moved to disagree to the amendments of the Senate; which was carried.

Mr. Smith of T. moved to suspend the rule, to introduce an account; which was lost.

Mr. Abernathy, from the select committee, to whom was referred a bill requiring the tax collector of Benton county to receive county claims in payment of county taxes,—reported the bill back to the House, with amendments, and recommended its passage.

The amendments being concurred in, the bill was read the third time, and passed.

Mr. Morgan of C. moved to suspend the orders of the day; which was carried.

Mr. Morgan of C. introduced a bill to authorize the commissioners' court of roads and revenue of Tallapoosa county, to levy a tax for certain purposes; which was read the first, second and third times, and passed.

Mr. Morgan of C. introduced a bill for the relief of the legal representatives of Jesse B. Phillips, deceased, which was read the first, second and third times, and passed.

The House then took up the bill regulating the appointment of commissioners in certain cases, in the county of De Kalb; which was read the first, second and third times, and passed.

And then the House adjourned.

#### AFTERNOON SESSION, February 10th, 1843.

The House met pursuant to adjournment.

Mr. Rice introduced the following resolution—which was adopted:

*Resolved*, That the Senate be now invited into the hall of the House, for the purpose of electing Judges of the second, third, fourth, sixth, seventh and ninth Judicial Circuits; and also a Comptroller of Public Accounts, and State Treasurer.

The Senate repaired to the hall of the House.

The two Houses proceeded first to the election of a Judge for the Second Judicial Circuit:

The *Hon. Ezekiel Pickens*, alone being in nomination, and having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Second Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge of the Third Judicial Circuit:

The *Hon. Peter Martin*, alone being in nomination, and having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge for the Third Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the Fourth Judicial Circuit:

The *Hon. Daniel Coleman*, alone being in nomination, and he having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Fourth Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the Sixth Judicial Circuit:

*George W. Crabb, Robert C. McAlpin, John Bragg, and James Seawell, Esqs.* being in nomination.

Those who voted for *Mr. Crabb*, are Messrs. Arrington, Dent, Hunter, King, McConnell, Moores, Oliver, Phillips, Reese, Walthall of the Senate; and messrs. Speaker, Banks, Barclay, Bishop, Caffey, Cain, Calhoun, Cochran, Crowder, Dear, Earle, Henley, Jones of G. Kennedy of L. Kidd, McLemore, McMillion, Meriwether, Moore of M. Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Watts, and Witherspoon of the House.

Those who voted for *Mr. Bragg*, are Messrs. President, Baylor, Brindley, Caeagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin and Walker of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Kendrick, Lankford, Martin, McClung, Miree, Morgan of A. Morrison, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. McAlpin*, are Messrs. Buford and Thornton of the Senate; and Messrs. Barron, Cooper, Dunn, Erwin, Harris, Jones of Conecuh, McCoy, Morgan of C. Pettit, and Ware of the House.

Those who voted for *Mr. Seawell*, are Messrs. McVay, Watrous and Wilson of J. of the Senate; and Messrs. Bridges, Douglass, Hubbard, Kennedy of M. Marchbanks, Morrisett, Mandy, Skipper and Valliant of the House.

Neither of the candidates having received a majority of the whole number of votes cast, the two Houses proceeded to the election again:

Those who voted for *Mr. Crabb*, are Messrs. Arrington, Buford, Dent, Foster, Hunter, King, McConnell, Moores, Oliver, Phillips, Reese and Walthall of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Cochran, Crowder, Dear, Earle, Harris, Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Watts and Witherspoon of the House.

Those who voted for *Mr. Bragg*, are Messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker and Wilson of J. of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Kendrick, Lankford, Marchbanks, Martin, McClung, Miree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. McAlpin*, are Mr. Thornton of the Senate; and Messrs. Cooper, Dunn, Erwin, McCoy, Morgan of C. Pettit and Ware of the House.

Those who voted for *Mr. Seawell*, are Messrs. *McVay* and *Watkins* of the Senate; and Messrs. *Bridges*, *Douglass*, *Hubbard*, *Morrisett*, *Skipper* and *Valliant* of the House.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to ballot a third time:

Those who voted for *Mr. Crabb*, are Messrs. *Arrington*, *Dent*, *Foster*, *Hunter*, *King*, *McConnell*, *Moores*, *Oliver*, *Phillips*, *Reese* and *Walthall* of the Senate; and Messrs. *Speaker*, *Banks*, *Barron*, *Bishop*, *Caffey*, *Cain*, *Calhoun*, *Cochran*, *Crowder*, *Dear*, *Earle*, *Harris*, *Henley*, *Jones* of *Conecuh*, *Jones* of *G. Kennedy* of *L. Kennedy* of *M. Kidd*, *McLemore*, *McMillion*, *Meriwether*, *Moore* of *M. Morrisett*, *Murphey*, *Norris*, *Oliver*, *Porter*, *Rice*, *Richeson*, *Roby*, *Smith* of *T. Storrs*, *Valliant*, *Watts* and *Witherspoon* of the House.

Those who voted for *Mr. Bragg*, are messrs. *President*, *Baylor*, *Brindley*, *Creagh*, *Hudson*, *Jones*, *McAllister*, *McClanahan*, *Rodgers*, *Ross*, *Toulmin*, *Walker* and *Wilson* of *J.* of the Senate; and messrs. *Abernathy*, *Campbell*, *Clay*, *Dortch*, *Dubose*, *Dunklin*, *English*, *Findley*, *Fletcher*, *Fowler*, *Garland*, *Gasque*, *Harrison*, *Hendrix*, *Hill*, *Hodges*, *Jackson*, *Jones* of *Cov.*, *Kendrick*, *Lankford*, *Marchbanks*, *Martin*, *McClung*, *Miree*, *Morgan* of *A. Morrison*, *Mundy*, *Norman*, *Pickett*, *Richeson*, *Scott*, *Smith* of *P. Tate*, *Turner*, *Walker*, *Whorton*, *Williams* of *P. Winston* of *DeK. Winston* of *S.* and *Woodward* of the House.

Those who voted for *Mr. McApin*, are *Mr. Thornton*, of the Senate; and messrs. *Cooper*, *Dunn*, *Erwin*, *McCoy*, *Morgan* of *C. Pettit* and *Ware*, of the House.

Those who voted for *Mr. Sewall*, are messrs. *McVay* and *Watkins*, of the Senate; and messrs. *Bridges*, *Douglass*, *Hubbard* and *Skipper*, of the House.

Neither of the candidates having received a majority of all the votes cast, the two Houses proceeded to ballot the fourth time:

Those who voted for *Mr. Crabb*, are messrs. *Arrington*, *Buford*, *Dent*, *Foster*, *Hunter*, *King*, *McConnell*, *McVay*, *Moores*, *Oliver*, *Phillips*, *Reese* and *Walthall* of the Senate; and messrs. *Speaker*, *Banks*, *Barclay*, *Barron*, *Bishop*, *Caffey*, *Cain*, *Calhoun*, *Cochran*, *Crowder*, *Dear*, *Earle*, *Harris*, *Henley*, *Jones* of *Conecuh*, *Jones* of *G. Kennedy* of *L. Kennedy* of *M. Kidd*, *McLemore*, *McMillion*, *Meriwether*, *Moore* of *M. Morgan* of *C. Morrisett*, *Murphey*, *Norris*, *Oliver*, *Porter*, *Rice*, *Robinson*, *Roby*, *Smith* of *T. Storrs*, *Valliant*, *Watts* and *Witherspoon*, of the House.

Those who voted for *Mr. Bragg*, are messrs. *President*, *Baylor*, *Brindley*, *Creagh*, *Fleming*, *Hudson*, *Jones*, *McAllister*, *McClanahan*, *Rodgers*, *Ross*, *Toulmin*, *Walker* and *Wilson* of *J.* of the Senate; and messrs. *Abernathy*, *Campbell*, *Clay*, *Dortch*, *Dubose*, *Dunklin*, *English*, *Findley*, *Fletcher*, *Fowler*, *Garland*, *Gasque*, *Harrison*, *Hendrix*, *Hill*, *Hodges*, *Jackson*, *Jones* of *C. Kendrick*, *Lankford*, *Marchbanks*, *Martin*, *McClung*, *Miree*, *Morgan* of *A. Morrison*, *Mundy*, *Norman*, *Pickett*, *Richeson*, *Scott*, *Smith* of *P. Tate*, *Turner*, *Whorton*, *Williams* of *P. Winston* of *DeK. Winston* of *S.* and *Woodward*, of the House.

Those who voted for *Mr. McAlpin*, are *Mr. Thornton*, of the Senate;

and messrs. Cooper, Dunn, Erwin, McCoy, Pettit, Walker and Ware, of the House.

Those who voted for *Mr. Sewall*, are Mr. Watkins, of the Senate; and messrs. Bridges, Douglass, Hubbard and Skipper, of the House.

Neither of the candidates having received a majority of the whole number of votes cast, the two Houses proceeded to ballot a fifth time:

Those who voted for *Mr. Crabb*, are messrs. Arrington, Buford, Dent, Foster, Hunter, King, McConnell, McVay, Moores, Oliver, Phillips, Reese and Walthall, of the Senate; and messrs. Banks, Barclay, Barron, Bishop, Cain, Calhoun, Cochran, Cooper, Crowder, Dear, Earle, Harris, Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Morgan of C. Morrisett, Murphey, Norris, Oliver, Pettit, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Valliant, Ware, Watts and Witherspoon, of the House.

Those who voted for *Mr. Bragg*, are messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker, Watkins and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Caffey, Campbell, Clay, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Gov. Kendrick, Lankford, Marchbanks, Martin, McClung, McCoy, Miree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Skipper, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward, of the House.

*Mr. Bragg* having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the sixth judicial circuit, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the seventh judicial circuit—*Samuel Chapman* alone being in nomination, received one hundred and five votes, being the whole number of votes cast, and was declared by Mr. Speaker, duly and constitutionally elected Judge of the seventh judicial circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of a Judge for the ninth judicial circuit—*Eli Shortridge* and *George W. Stone*, being in nomination.

Those who voted for *Mr. Shortridge*, are Messrs. President, Brindley, Buford, Creagh, Dent, Foster, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall and Watkins, of the Senate; and Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Cain, Cochran, Campbell, Calhoun, Cooper, Crowder, Dear, Dortch, Douglass, Dunklin, Dunn, Earle, Erwin, Fowler, Gasque, Harrison, Hendrix, Henley, Hill, Hodges, Jones of C. Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McCoy, McLemore, McMillion, Meriwether, Miree, Morgan of A. Morgan of C. Morrison, Murphey, Norris, Pettit, Rice, Roby, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Walker,

Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Stone*, are messrs. Arrington, Hudson, McClanahan, Oliver, Phillips, Reese and Wilson of J. of the Senate; and messrs. Barron, Dubose, English, Findley, Fletcher, Hubbard, Jackson, Jones of Conecuh, Kennedy of L. Kidd, McClung, Moore of M. Mundy, Norman, Oliver, Pickett, Richeson, Scott, Valliant and Winston of S. of the House.

*Mr. Shortridge* having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the ninth judicial circuit, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a State Treasurer—*Samuel G. Frierson*, alone being in nomination, received all the votes cast, and was declared by Mr. Speaker duly and constitutionally elected State Treasurer, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Comptroller of Public Accounts—*Jefferson C. Van Dyke*, being alone in nomination, received ninety-eight votes, being all the votes cast, and was declared by Mr. Speaker duly and constitutionally elected Comptroller of Public Accounts for the State of Alabama, for and during the term prescribed by the Constitution.

The Senate then withdrew.

Mr. Winston of S. moved to suspend the orders of the day; which was carried.

Mr. Winston of S. made the following report:

The committee of conference on the part of the House of Representatives, upon a bill to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, have met the committee on the part of the Senate, and upon conference, instruct me to report that the bill be reported back to the Senate, whence it originated; it is agreed in conference, that the committee on the part of the Senate, recommend to the Senate to recede from its disagreement to the amendments of the House to said bill, and amend the amendments as follows:

Sec. 1. The fees of the Clerk of the Supreme Court shall be reduced twenty-five per cent. on the amount now allowed by law.

Sec. 4. For each subpoena twenty-five cents, instead of ten cents.

For each report strike out one dollar, and insert one dollar and fifty cents.

Sec. 5. After the word "plaintiff," in the seventh line, insert, "and no commissions shall be charged but upon the amount actually collected."

Strike out all after the word "commissions," in the twentieth line.

Sec. 12. *Be it further enacted*, That this law shall be in force from and after the tenth of March next, and that the Secretary of State be required to publish this act immediately after its passage, by one insertion in each of the papers published in the town of Tuscaloosa.

On motion of Mr. Winston of S. the report was laid on the table.

Ordered, that leave of absence be granted to Mr. Dunklin; and Mr. Moore of m. for the balance of the session.

Mr. Barron moved that the House do now adjourn until seven o'clock, P. M.

Mr. McClung moved to suspend the forty-third rule; which was carried. Yeas 47—nays 27:

YEAS—messrs. Speaker, Abernathy, Banks, Caffey, Cain, Clay, Cooper, Dear, Dubose, Dunn, Earle, Findley, Fletcher, Fowler, Gasque, Harrison, Hendrix, Henley, Hubbard, Jackson, Kendrick, Kennedy of L. Kennedy of m. Kidd, Lankford, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Moore of m. Morgan of C. Morrison, Pettit, Pickett, Rice, Robinson, Roby, Scott, Storrs, Turner, Valliant, Walker, Williams of P. Winston of S. and Woodward.

NAYS—messrs. Barclay, Barron, Bishop, Bridges, Crowder, Douglass, Erwin, Garland, Hill, Jones of Conecuh, Jones of Cov. Jones of G. Miree, Morrisett, Mundy, Norman, Norris, Oliver, Richeson, Skipper, Smith of P. Tate, Ware, Watts, Whorton, Winston of DeK. and Witherspoon.

And then the House adjourned.

SATURDAY, February 11th, 1843.

The House met pursuant to adjournment.

Mr. Dear, from the committee on enrolled bills, reported as correctly enrolled, an act making appropriations for certain claims against the State.

Mr. English, from the same committee, reported as correctly enrolled, An act for the relief of B. M. Bradford and Jack Shackelford:

And joint resolutions relating to the manufacture of cotton bagging and rope in the Alabama Penitentiary.

Mr. Dear, from the same committee reported as correctly enrolled—

An act for the benefit of the sixteenth section, township seventeen, range twelve, in the county of Dallas:

And an act to reduce the pay of Inspectors of the Penitentiary, define their duty, and for other purposes.

Mr. Rice introduced a bill to authorize the Judge of the county court and commissioners of roads and revenue in the Morgan county, to levy a special tax; which was read the first, second and third times, and passed.

Mr. McLemore introduced joint resolutions in relation to the sixteenth section fund; which was read the first, second and third times, and passed.

Mr. Jones of G. introduced a bill to change the time of holding the county court of Greene county; which was read the first, second and third times, and passed.

Mr. Cooper introduced a bill to authorize the Judge of the county court and commissioners of roads and revenue of certain counties therein named, to levy a special tax, and for other purposes; which was read the first, second and third times, and passed.



Mr. McClung introduced a bill to change the time of holding the county courts of Madison, St. Clair and Tuscaloosa counties; which was read the first and second times.

Mr. Porter moved to amend; which was adopted, and the bill read a third time and passed.

Mr. McClung introduced a bill to repeal in part an act entitled an act for the relief of tales jurors in St. Clair county; which was read the first, second and third times, and passed.

The House took up the bill to provide a special tax for Marshall county; which was read the second and third times and passed.

The House took up the bill to ascertain and fix a suitable location for the court house in Covington county, and for other purposes; which was read the second and third times and passed.

Mr. Norman introduced a bill to provide further for the collection of debts in this State; which was read the first time.

Mr. English moved to lay the bill on the table; which was carried. Yeas 37—nays 35:

YEAS—messrs. Speaker, Banks, Campbell, Clay, Cochran, Crowder, Dear, Douglass, Dunn, Earle, English, Erwin, Gasque, Harris, Harrison, Hill, Jackson, Jones of G. Kendrick, Kidd, Martin, McClung, McCoy, Morrisett, Norris, Oliver, Pickett, Porter, Robinson, Smith of L. Smith of P. Turner, Valliant, Ware, Watts, Williams of P. and Witherspoon.

NAYS—messrs. Abernathy, Barelay, Bishop, Bothwell, Caffey, Cain, Findley, Fletcher, Garland, Hendrix, Hubbard, Jones of Conecuh, Jones of Cov. Kennedy of L. Lankford, Marchbanks, McMillion, Meriwether, Miree, Morgan of A. Mundy, Murphrey, Norman, Rice, Richeson, Roby, Skipper, Smith of T. Storrs, Tate, Walker, Whorton, Winston of DeK. Winston of S. and Woodward.

The House took up the bill to incorporate the trustees of the Bishop fund of the Protestant Episcopal Church in the Diocese of Alabama; which was read the second and third times, and passed.

Mr. English introduced a bill to change the time of holding the county court of Limestone county; which was read the first, second and third times, and passed.

The House then took up the bill to amend the laws altering the mode of assessing and collecting the taxes in Pike county; which was read a second and third times, and passed.

The House then took up the bill to amend an act entitled an act to incorporate the town of Auburn, in Macou county; which was read the second and third times, and passed.

The bill for the relief of the tax collector of Dale county, for the year eighteen hundred and forty-one, was read the second and third times, and passed.

The bill to amend an act entitled an act to incorporate the town of Greenville, in Butler county, was read the second and third times, and passed.

The bill from the Senate, to amend an act to authorize guardians of minors, idiots and lunatics, to receive and remove from the State any

property to which such ward may be entitled, when both guardian and ward reside out of the State, and to remove the same from one county to another in this State; which was read the second and third times and passed.

The House took up the bill to amend the laws in force for the creation of a school fund in the county of Mobile; which was read the second and third times and passed.

The House proceeded to the consideration of the bill in relation to the compensation of Bank attorneys, it being the special order.

Mr. English moved the previous question; which was lost—yeas 26, nays 43:

YEAS—messrs. Speaker, Banks, Barron, Bridges, Clay, Cochran, Dunn, English, Harrison, Jackson, Jones of G. Kennedy of L. Marchbanks, McClung, Morgan of A. Morrisett, Mundy, Norman, Oliver, Robinson, Smith of L. Smith of T. Storrs, Ware, Watts, Williams of P. and Witherspoon.

NAYS—messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Campbell, Cooper, Crowder, Dear, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Hendrix, Hubbard, Jones of Conecuh, Lankford, Martin, McMillion, Meriwether, Miree, Morgan of C. Morrison, Murphey, Norris, Pettit, Pickett, Rice, Richeson, Roby, Skipper, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Winston of S. and Woodward.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House to aid in the establishment of a school for the deaf and dumb, and amended the same as therein shown.

A bill to provide for the election of a tax collector for the counties of Cherokee, De Kalb and Lowndes:

A bill to amend an act to incorporate the Cahawba Academy, in Dallas county, passed January tenth, one thousand eight hundred and thirty-one.

The House resumed the consideration of the bill:

Mr. Hubbard moved to amend the bill.

Mr. McClung moved to amend the amendment by way of proviso.

Mr. Bridges moved to lay the amendment and the amendment to the amendment on the table; which was lost.

The amendment offered by Mr. McClung was adopted.

The amendment offered by Mr. Hubbard, as amended, was then adopted, and the bill passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act the better to secure rents:

An act to incorporate the town of Van Buren, in De Kalb county:

An act to amend an act entitled an act to regulate punishment under the Penitentiary system:

An act for the relief of a certain person therein named:

An act to form an additional regiment in Blount county, and for other purposes:

An act for the relief of James T. Lindsay:

An act to form an additional regiment in the counties of Coffee and Tuscaloosa:

And, an act to regulate the expenditures of the county of Mobile, and for other purposes:

The House took up a bill to levy a special tax to build a jail in Barbour county: which was read the second and third times and passed:

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled:

An act to regulate the management and expenses of the Bank of the State of Alabama, and the several Branches.

Mr. Rice offered the following resolution:

*Resolved*, That copies of the captions of the acts of this General Assembly, containing brief abstracts of the provisions of all acts of a general nature, be printed for the use of the House of Representatives.

Mr. Winston of S. moved to strike out the words "ten thousand," and insert in lieu thereof, the words "five thousand;" which was carried.

The resolution as amended, was then adopted.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate concurs in the report of the committee of conference on the subject of disagreement between the two Houses, relative to the amendments made in the House of Representatives, to a bill which originated in the Senate, to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers.

And has passed a bill to raise a revenue for the support of the State Government, and amended the same as therein shown; and also amended the caption.

The House proceeded to the consideration of the joint resolutions in regard to the assumption of the State debts by the General Government.

The question being on the adoption of the amendment offered by Mr. Jones of G., Mr. Erwin of G. (Mr. Rice in the chair,) moved a call of the House; which was lost.

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled, an act to amend an act to incorporate the Cahawba Academy, in Dallas county, passed January tenth, eighteen hundred and thirty-one.

Mr. Erwin of G. moved a call of the House; which was carried.

The House resumed the consideration of the joint resolutions.

Mr. Bridges moved to lay the amendment offered by Mr. Jones of G. on the table; which was carried—Yeas 38, Nays 35:

YEAS—Messrs. Speaker, Abernathy, Barclay, Bishop, Bridges, Cain, Douglass, Dubose, Fletcher, Fowler, Garland, Gasque, Harrison, Hill, Hubbard, Jackson, Kidd, Marchbanks, McMillion, Meriwether, Miree, Morgan of A. Morrison, Mundy, Norman, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Turner, Valliant, Walker, Williams of P. Winston of S. and Woodward.

NAYS—Messrs. Banks, Barron, Bothwell, Cain, Campbell, Clay, Cochran, Cooper, Dear, Dunn, Earle, English, Erwin, Findley, Harris,

Hendrix, Jones of Cov. Jones of G. Lankford, Martin, McClung, McCoy, McLemore, Morgan of C. Morrisett, Norris, Oliver, Pickett, Robinson, Storrs, Tate, Ware, Watts, Winston of DeK and Witherspoon.

Mr. Bridges moved to amend the joint resolutions.

Mr. Smith of T. moved to lay the amendment on the table; which was carried.

The question was then taken on adopting the substitute of the committee, in lieu of the original, and decided in the affirmative.

Mr. McClung moved the previous question; which was sustained.

The question recurred on the adoption of the joint resolutions.

And then the House adjourned.

#### AFTERNOON SESSION, February 11, 1843.

The House met pursuant to adjournment.

Mr. Banks presented an account; which was referred to the committee on accounts.

Ordered, that the use of the Hall of the House of Representatives, be granted to the Rev. Mr. Hackett, for divine service, on to-morrow.

Mr. Norman, from the select committee, to whom was referred a bill to alter the times of holding certain courts therein named, reported the same back to the House, with an amendment, and recommended its passage.

The amendment being concurred in, the bill was read the third time, and passed, and sent forthwith to the Senate.

The House then resumed the consideration of the joint resolutions in regard to the assumption of State debts by the General Government.

A division of the question was called, which was taken first on the adoption of the first resolution; which is as follows:

*Resolved*, That the State of Alabama is fully able to meet her own debts and liabilities, her faith and honor are pledged for the redemption of her bonds; the idea of repudiation is repugnant to her, and she recognizes her great seal as binding every foot of soil belonging to her citizens.

The first resolution was adopted—yeas 60, nays 5.

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Cain, Caffey, Clay, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, McClung, McCoy, McMillion, Meriwether, Mirce, Morgan of C. Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pickett, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valiant, Walker, Watts, Whorton, Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Bishop, Jackson, Morrisett, Skipper and Ware.

The question was then taken on the second resolution—which is as follows:

*Resolved*, That while she spurns the idea of forfeiting her credit

abroad, she will never consent to become tributary to the General Government: she holds the principle to be true, that to force a favor upon a State without her consent, is as much a violation of her sovereignty, as to force her to yield a right, which is secured to her by the Constitution; and her right to reject a proffered service, is co-existent and co-extensive with her right to receive it.

The resolution was adopted—yeas 55, nays 11:

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Dear, Douglass, Dubose, Dunn, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morgan of C. Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Bishop, Cooper, Crowder, Jackson, Jones of G. McCoy, McLemore, Morrisett, Pickett, Skipper and Ware.

The question was then taken on the adoption of third resolution—which is as follows:

That the assumption of the State debts by Congress directly or indirectly, would be a violation of the Constitution of the Union and sovereignty of the States.

Which was adopted—yeas 55, nays 14:

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hubbard, Kendrick, Kidd, Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morgan of C. Morrison, Mundy, Norman, Pettit, Oliver, Richeson, Robinson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Watts, Whorton, Williams of P. Winston of DeK. Witherspoon and Woodward.

NAYS—messrs. Barron, Bishop, Cooper, Crowder, Dunn, Erwin, Jackson, Jones of G. McCoy, McLemore, Morris, Morrisett, Pickett, Skipper and Ware.

The question was then taken on fourth resolution—which is as follows:

*Resolved*, That we instruct our Senators and request our Representatives in Congress, to use all needful and proper means, to prevent the passage of any act, which contemplates directly or indirectly the assumption of State debts.

Which was adopted—yeas 50, nays 17:

YEAS—messrs. Speaker, Abernathy, Banks, Barclay, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Dear, Dortch, Douglass, Dubose, English, Earle, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Kendrick, Kennedy of L. Lankford, Marchbanks, McClung, Martin, McMillion, Meriwether, Miree, Morgan of A. Morgan of C. Morrison, Norman, Pettit, Richeson, Rob-

inson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Whorton, Williams of P. Winston of S. and Woodward.

**NAYS**—messrs. Bishop, Cooper, Dunn, Erwin, Jackson, Jones of Conecuh, Jones of G. Kidd, McCoy, McLemore, Morrisett, Oliver, Skipper, Storrs, Ware, Watts and Witherspoon.

The question was then taken on the adoption of the fifth resolution—which is as follows:

*Resolved*, That the Governor of this State be requested to transmit a copy of these resolutions and preamble to each of our Senators and Representatives in Congress, and to the Legislature of each of the States.

Which was adopted—yeas 41, nays 20:

**YEAS**—messrs. Speaker, Abernathy, Barclay, Bridges, Caffey, Clay, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hill, Hubbard, Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morrison, Norman, Pettit, Pickett, Richeson, Roby, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Williams of P. Winston of S. and Woodward.

**NAYS**—messrs. Banks, Barron, Bishop, Campbell, Cochran, Cooper, Crowder, Dunn, Erwin, Hendrix, Jackson, Jones of Conecuh, Jones of G. McCoy, McLemore, Oliver, Skipper, Storrs, Ware and Witherspoon.

The preamble to the joint resolutions was then adopted—yeas 46, nays 11:

**YEAS**—Messrs. Speaker, Abernathy, Barclay, Bridges, Caffey, Cam, Clay, Cochran, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of C. Kendrick, Kennedy of L. Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morgan of C. Morrison, Mundy, Pettit, Richeson, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward.

**NAYS**—messrs. Bishop, Campbell, Cooper, Crowder, Erwin, Harris, Jackson, McCoy, Ware, Watts and Witherspoon.

Mr. McLemore moved to amend the caption by striking out and inserting.

Mr. Richeson moved to lay the amendment on the table; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill to incorporate the trustees of the Carrollton Academy, in Pickens county.

A message was received from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act making appropriations for the payment of certain claims against the State:

An act to enable the corporate authorities of the city of Mobile, to pro-

vide for the security and payment of the debts of said city, and for other purposes:

An act for the relief of Peter Eldridge, Isham C. Browder and others:

An act to attach the ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to Macon county:

An act for the relief of the sixteenth section, township sixteen, range twelve, in Dallas county:

An act to reduce the pay of the Inspectors of the Penitentiary, and define their duties and for other purposes:

An act to regulate the management and expenses of the Bank of the State of Alabama and its several Branches; which bills originated in the House of Representatives.

The House took up the bill to aid in the establishment of a school for the education of the deaf and dumb, the question being on concurring in the amendments of the Senate.

Mr. Hubbard moved to amend the amendment of the Senate, as follows:

*“Provided, that this expenditure shall, in no event, exceed eight hundred dollars.”*

Mr. Cochran moved to lay the amendment on the table; which was carried.—Yeas—35—nays 28:

YEAS—messrs. Speaker, Abernathy, Barron, Clay, Cochran, Douglass, Dubose, Dunn, Erwin, Gasque, Harris, Harrison, Jackson, Jones of C. Jones of G. Kennedy of L. Kidd, McClung, McCoy, McLemore, Meriwether, Norris, Oliver, Porter, Rice, Skipper, Smith of L. Smith of T. Storrs, Tate, Turner, Ware, Watts, Witherspoon and Woodward.

NAYS—messrs. Banks, Bishop, Bridges, Caffey, Cain, Campbell, Cooper, Findley, Fletcher, Garland, Hendrix, Hubbard, Kendrick, Lankford, Martin, McMillion, Miree, Morgan of C. Morrisett, Morrison, Mundy, Richeson, Robinson, Smith of P. Valliant, Whorton, Williams of P. and Winston of S.

Mr. Hubbard moved to amend as follows:

*“Provided, that this expenditure shall not exceed one thousand dollars per annum.”*

Mr. Cochran moved to lay the amendment on the table; which was lost.—Yeas 23—nays 42:

YEAS—messrs. Caffey, Clay, Cochran, Dear, Dunn, Erwin, Gasque, Harris, Jackson, Jones of G. Kennedy of L. Marchbanks, McClung, McCoy, Porter, Rice, Skipper, Smith of L. Smith of T. Storrs, Ware and Watts.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cooper, Douglass, Dubose, English, Findley, Fletcher, Garland, Harrison, Hendrix, Hill, Hubbard, Lankford, Martin, McMillion, Miree, Morgan of C. Morrisett, Morrison, Mundy, Norris, Oliver, Richeson, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of P. Winston of S. Witherspoon and Woodward.

The amendment was then adopted.

The amendment of the Senate, as amended, was concurred in.

The House then took up the bill to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, the question being on concurring in the amendments, reported by the committee of conference.

The amendments were concurred in, and the bill returned to the Senate.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate concurs in the amendments made by the House, to the bill requiring the tax collector for Benton county to receive certain claims in payment of county taxes and for other purposes:

Also, a bill to be entitled an act, amendatory of the laws in relation to the estates of deceased persons:

The Senate insists upon its amendments to a bill to fix the compensation of the members of the General Assembly and the officers of the two Houses:

The Senate has also adopted the following resolution:

*Resolved*, that the House of Representatives be required to return to the Senate, the bill making appropriations to Robt. Fenner and R. B. Jones, and for other purposes.

Mr. Abernathy, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles:

An act to regulate suits against the Banks of the State of Alabama or any of the Branches thereof:

An act to amend the charter of the Montgomery Rail Road Company, and for other purposes:

An act amendatory of the laws on the subject of divorces:

An act to authorize the guardians of minors, idiots and lunatics, to secure, and remove from the State, any property to which such ward may be entitled, where both guardian and ward reside out of the State, or to remove the same from one county to another in this State:

An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

An act concerning trustees:

And an act for the better organization of a board of trustees for the University of Alabama.

And then the House adjourned.

NIGHT SESSION, February 11, 1843.

The House met pursuant to adjournment.

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed bills from the House of the following titles:

A bill to change the time of holding certain chancery courts in the southern chancery division.

A bill to change the name of certain persons therein named:

A bill to provide a special tax for Marshall county:

A bill to authorize the commissioners' court of roads and revenue of Tallapoosa county, to levy a tax for certain purposes:



A bill to authorize the judge of the county court and commissioners of roads and revenue in Morgan county, to levy a special tax :

A bill regulating the appointment of commissioners in certain cases, in De Kalb county:

A bill to regulate the selection of grand and petit jurors:

A bill in relation to the settlement of the accounts of executors, administrators and guardians:

A bill to change the time of holding the terms of the county court of Greene county:

A bill to change the time of holding the county court of Marengo county:

A bill to authorize Robert P. Harrison and his associates, to establish a ferry across the Black Warrior river, in Blount county:

A bill to charter and incorporate the members of the Mobile Lodge number two, of the Independent order of Odd Fellows, in the city of Mobile:

Joint resolutions directory to the Secretary of State:

Joint resolutions to extend the time of payment to the purchasers of the sixteenth sections, and indebtedness to sixteenth sections on loans:

Joint resolutions in relation to the salt wells and salt springs belonging to the State of Alabama:

A bill to extend the provisions of certain acts therein named, to Blount county:

A bill in relation to the public roads in Wilcox county:

A bill for the relief of Howell E. Chitty:

A bill for the relief of Sally C. Gunn:

A bill to repeal a part of an act therein named, and for other purposes:

A bill in relation to jurors in Walker county:

A bill for the improvement of the Noxubee river, in Sumter county:

A bill to change the time of holding the county court of Limestone county:

A bill to set apart from the State Bank a sum to defray the expenses of the Penitentiary for the present year:

The bill declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county by preventing the cutting of timber in water courses:

A bill to incorporate the town of Tuskegee, in Macon county:

The bill to change the times of holding the county courts of St. Clair, Madison and Tuscaloosa counties:

A bill for the relief of the legal representatives of Jesse B. Phillips, deceased:

Joint resolutions authorizing the Bank of the State of Alabama, and its several Branches, to issue small bank notes in exchange for larger bank notes:

The bill to authorize the judge of the county court and commissioners of roads and revenue of certain counties, to levy an extra tax for the purpose of paying county debts:

A bill to authorize the commissioners of township one, range two, west, to do certain acts therein named:

A bill to divorce Mary P. Judson from her husband Lewis P. Judson:

A bill concerning chancery practice:

A bill to divorce certain persons therein named:

A bill in relation to damages on appeals and writs of error:

The Senate refuses to concur in the amendments made by the House to a bill to aid in the establishment of a school for the deaf and dumb.

The Senate has passed the following bills from the House—

A bill to authorize the commissioners' court of Butler county to levy an additional tax,—and amended the same as therein shown:

A bill to require the county officers of Marshall county to receive certain claims therein named:

A bill to repeal in part an act in relation to sixteenth sections:

A bill to repeal in part a certain act therein named, so far as the sixth section thereof relates to the county of Pickens:

A bill to extend the time of collecting the taxes for Walker county for the years eighteen hundred and forty and eighteen hundred and forty-one:

A bill to authorize Franklin Fortner to erect a toll bridge across the Big Warrior river:

A bill to authorize the commissioners' court of Greene county to erect a jail at Greensboro', for the safe keeping of slaves levied on under execution:

A bill to reduce the number of company musters required by law to be holden, and prescribe the manner of holding company courts martial:

A bill regulating the appointment of a brigade drill officer in each brigade:

A bill to extend the jurisdiction of county courts, in certain cases:

A bill to amend the charters of the several incorporated cities and towns of this State:

A bill to provide a fund and make appropriations to defray the expenses of the present General Assembly, and of the Civil List for the year one thousand eight hundred and forty-three:

A bill for the relief of Adaline R. Devereux:

The Senate has passed a bill to incorporate the Mobile Navigation and Insurance Company:

The Senate concurs in the amendments made by the House to the bill for the relief of the purchasers of the sixteenth section, township thirteen, range eleven, in Marion county:

Also, a bill for the relief of the sixteenth section, township eighteen, range five, east, in the Coosa land district.

Mr. McClung moved to suspend the orders of the day, to take up the bill to raise a revenue for the support of the State Government; which was carried.

The House then proceeded to the consideration of the bill.

The question was, on concurring in the amendments of the Senate to said bill.

The amendments of the Senate were concurred in.

The House concurred in the amendments of the Senate, to the bill in relation to a certain purchase of a part of the sixteenth section in township twenty, range fourteen, west, in Pickens county.

The House took up the bill to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in Dale and Coffee counties.

The question was, on concurring in the amendments of the Senate.

Mr. Gasque moved to amend the amendments of the Senate; which was carried.

The amendments of the Senate as amended, were then adopted.

The House receded from its amendments to the bill to divide the State of Alabama into seven Congressional districts, according to the white population.

The House resumed the consideration of the bill to make appropriations for the payment of certain claims against the State, which was made the special order,

Mr. Jones of G. moved to amend—which was adopted.

Mr. Porter moved to amend—which was adopted.

The bill was then read the third time, and passed.

Mr. Hubbard introduced a bill explanatory of an act to raise a revenue for the support of the State Government, and for other purposes; passed February thirteenth, one thousand eight hundred and forty-three which was read the first and second times forthwith.

Mr. Bridges moved to amend by striking out all after the word “solely,” and inserting “to brokers or dealers in money.”

Mr. Campbell moved to lay the amendment on the table; which was carried.

The bill was ordered to be engrossed, and made the special order for its third reading, at ten o'clock, on Monday next.

And then the House adjourned.

MONDAY, February 13th, 1843.

The House met pursuant to adjournment.

Mr. Dear, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to amend the charter of the several incorporated cities and towns in this State:

An act to authorize Robert P. Harrison and his associates to establish a ferry across the Black Warrior river, in Blount county:

An act regulating the appointment of commissioners in certain cases, in De Kalb county:

An act to establish a ferry across Old Town Creek:

An act in relation to jurors in Walker county:

An act to authorize Franklin Fortner, to erect a toll bridge across the Big Warrior river:

An act to divorce certain persons therein named:

An act to change the times of holding the county court of Limestone county:

An act declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into water courses:

An act for the relief of the legal representatives of Jesse B. Phillips, deceased:

And, an act to authorize the Judge of the county court and commissioners of roads and revenue of certain counties, to levy an extra tax for the purpose of paying county debts.

The House took up the bill for the relief of Davis E. Gresham and William Joiner; which was read the second and third times, and passed.

The House proceeded to the consideration of the bill explanatory of an act entitled an act to raise a revenue for the support of the State Government, and for other purposes; which was made the special order.

The bill was read the third time, and passed.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to extend the provisions of certain acts therein named, to Blount county:

An act to reduce the number of company musters required by law, to be holden, and prescribe the manner of holding company courts martial:

An act to change the time of holding certain chancery courts in the Southern chancery division:

An act in relation to public roads in Wilcox county:

An act for the improvement of the Noxubee river, in Sumter county:

An act in relation to the settlement of accounts of executors, administrators and guardians:

An act to require the county officers of Marshall county, to receive certain claims therein named:

An act to extend the jurisdiction of county courts in certain cases:

An act in relation to a certain purchase of a part of the sixteenth section, in township twenty, range fourteen, west, in Pickens county:

An act to repeal in part a certain act therein named, so far as the sixteenth section relates to Pickens county,

An act to divorce Mary T. Judson, from her husband, Lewis Judson:

Mr. Dear, from the same committee, reported as correctly enrolled, bills of the following titles:

An act to repeal a part of an act therein named, and for other purposes:

Joint resolutions to authorize the Bank of the State of Alabama and its several Branches to issue small bank notes in exchange for larger bank notes:

Joint resolutions in relation to the Salt wells and Salt springs belonging to the State of Alabama:

An act for the relief of Howell E. Chitty:

An act for the relief of Adaline R. Deavreux:

And, an act to change the name of certain persons therein named:

An act for the relief of Thomas H. Wiley:

An act to add a part of Monroe to Clarke county:

And, an act concerning the office of clerk of Russell county and circuit courts:

The House then took up the bill for the relief of James M. Young; which was read the second and third times, and passed.

The House took up the bill for the relief of W. R. Bullock and James House, of Sumter county; which was read the second and third times, and passed.

The House took up the bill to change the obligation of future contracts, and to encourage honesty and good morals; which was read the second time.

On motion of Mr. Watts, laid on the table.

Mr. Kennedy of L. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to authorize the commissioners of township one, range ten, west, to do certain acts therein named:

An act to change the time of holding the county court of Marengo county:

An act concerning chancery practice:

An act to change the time of holding the terms of the county court of Greene county:

Joint resolutions to extend the time of payment to the purchasers of sixteenth sections and indebtedness to sixteenth sections on loans:

An act to raise a revenue for the support of the State Government, and for other purposes:

Mr. Abernathy, from the same committee, reported as correctly enrolled, bills of the following:

An act to change the time of holding the county courts of St. Clair, Madison and Tuscaloosa counties:

An act to set apart from the State Bank, a sum to defray the expenses of the present year:

An act to authorize the commissioners court of roads and revenue of Tallapoosa county, to levy a tax for certain purposes:

An act to repeal in part an act in relation to sixteenth sections:

An act to provide a special tax for Marshall county.

The House took up the bill for the relief of Thomas Stringer, of Mobile county; which was read the second and third times, and passed:

Mr. Clay, from the select committee, to whom was referred a bill for the relief of John Baird, reported the same back to the House, without amendment, and recommended its passage.

Mr. Williams of P moved to lay the bill on the table; which was lost.

Mr. Jones of G. moved to amend the bill; which was carried.

The bill was then read the third time, and passed.

The House took up the bill to repeal in part an act for the relief of William Jones, of Walker county, and descendants of Joseph Elliott; which was read the second and third times, and passed.

The bill to incorporate the Pleasant Ridge Academy, in Wilcox county, was read the second and third times, and passed.

The bill from the Senate, to authorize a loan of a portion of the two

per cent. fund to the Montgomery and West Point Rail Road Company, was read the first and second times, and referred to a select committee.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to divide the State of Alabama into seven congressional districts according to the white population.

An act to provide a fund and make appropriations to defray the expenses of the present General Assembly, and of the civil list, for the year one thousand eight hundred and forty-three:

An act to extend the time for collecting the taxes of Walker county for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one:

An act regulating the appointment of a brigade drill officer, in each brigade:

An act to authorize the commissioners court of Greene county, to erect a jail at Greensborough, for the safe keeping of slaves levied on under execution:

Joint resolutions directory to the Secretary of State:

An act for the relief of Sally C. Gunn:

An act to regulate the selection of grand and petit jurors.

The House then took up the bill to repeal, in part, a certain act therein named; which was read the second and third times, and passed.

The bill from the Senate, for the relief of Henry Lawrence, was read the first, second and third times, and passed.

Mr. Dortch, from the select committee, to whom was referred a bill from the Senate, to require an extra term of the chancery court of Sumter county, reported the bill back to the House without amendment, and recommended its passage.

The bill was read the second and third times, and passed.

The House took up the bill from the Senate, to regulate the Bank of the State of Alabama, and for other purposes.

The question was on concurring in the amendments of the Senate.

Mr. Norris moved to amend the first amendment, by striking out the proviso; which was carried—Yeas 61, Nays 4:

**YEAS**—messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Crowder, Dear, Dortch, Dubose, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Jackson, Jones of G. Kendrick, Kennedy of L. Lankford, Martin, McClung, McCoy, McLe-more, McMillion, Meriwether, Miree, Morgan of C. Morrisett, Morrison, Mundy, Norris, Oliver, Pettit, Porter, Rice, Richeson, Roby, Scott, Smith of P. Smith of T. Tate, Turner, Whorton, Williams of P. Winston of S. and Woodward.

**NAYS**—messrs. Douglass, Valliant, Walker and Ware.

Mr. Jackson moved to amend, as follows: "to be paid in specie, or its equivalent."

Mr. Morrisett moved to lay the amendment on the table; which was carried—Yeas 52, Nays 12:

YEAS—messrs. Abernathy, Banks, Barron, Bishop, Bothwell, Caffey, Cain, Campbell, Clay, Crowder, Dear, Dortch, Douglass, Dunn, Earle, Fowler, Garland, Gasque, Harris, Harrison, Hill, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, McLemore, McMillion, Miree, Morgan of A. Morgan of C. Morrisett, Morrison, Norman, Oliver, Pettit, Porter, Rice, Richeson, Roby, Skipper, Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Williams of P. Winston of S. and Woodward.

NAYS—messrs. Speaker, Bridges, Findley, Hendrix, Jackson, Kidd, Lankford, Martin, Mundy, Norris, Scott and Witherspoon.

The first amendment of the Senate, as amended, was concurred in.

The question then recurred on the adoption of the second amendment of the Senate.

Mr. Campbell moved to disagree; which was carried.

The question was then on concurring in the third amendment of the Senate.

Mr. Campbell moved to disagree; which was carried.

The question then recurred on concurring in the fourth amendment of the Senate.

Mr. Campbell moved to disagree; which was carried.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House:

A bill to vest in Martha M. A. Moore, wife of J. S. Moore, certain rights and privileges therein named, and for other purposes:

A bill to compel commissioners of sixteenth sections to pay over funds received by them, and for other purposes:

A bill to regulate the Bank of the State of Alabama, and for other purposes—and amended the same as therein shown:

Joint resolutions directory to the Secretary of State.

The Senate has also passed a bill for the benefit of defendants in execution.

The Senate has also passed the following bills from the House:

A bill to increase the county tax of Marengo county:

A bill to amend the road laws, so far as they relate to Marengo county:

A bill to establish and abolish certain election precincts, and for other purposes—and amended the same as therein shown:

Joint resolutions in regard to the expense accounts of the Bank of the State of Alabama and its Branches—and amended the same as therein shown:

A bill to divorce certain persons therein named:

And a bill to exempt, (from and after the fourth day of July, eighteen hundred and forty-three,) real estate, not exceeding forty acres, from execution on contracts, thereafter made.

The House concurred in the amendments of the Senate, to the bill amendatory of an act entitled an act for the better regulation of the public printing, and altering the mode of paying for the same.

The House took up the bill entitled an act to regulate and define the

duties and liabilities of constables, and for other purposes; which was read the second time.

Mr. Kennedy of L. moved to lay the bill on the table; which was lost.

The bill was then referred to the judiciary committee.

Mr. Findley moved to take from the table the bill to reduce the salaries of certain public officers therein named; which was carried.

The House proceeded to the consideration of the bill.

Mr. Bridges moved to amend the bill; which was adopted.

Mr. English moved to strike out all that relates to the Secretary of State; which was carried.

Mr. Kennedy of L. moved to strike out all that relates to the Comptroller and Treasurer; which was lost.

The bill was then read the third time and passed.

Mr. Smith of T. from the select committee on the University bill, to which was referred a bill to authorize and require the Trustees of the University to refund money in certain cases, reported that it would be inexpedient to pass said bill.

The report and bill were laid on the table.

Mr. Smith of T. offered the following resolution:

*Resolved*, That the Secretary of State be instructed to transmit a copy of the act which organizes the judicial circuits of the State, to the several clerks of the circuit courts of each of the counties of this State, immediately.

The resolution was laid on the table.

The House took up the bill for the relief of the tax collector of Covington county; which was read the second and third times, and passed.

Mr. Erwin, from the select committee, to whom was referred a bill to provide for the distribution of certain documents, reported the same back to the House, with an amendment, and recommended its passage.

The amendment being concurred in, the bill was read the second and third times, and passed.

The House took up the bill to attach a part of Pickens county to Greene county; which was read the second and third times, and passed.

The bill from the Senate, changing the direction of the tax fees on suits at the instance of the Banks of this State, was read the second and third times.

Mr. Bridges moved to amend the bill, by adding the words "not litigated."

Mr. Norris moved to lay the amendment on the table; which was carried—Yeas 48, Nays 17:

**YEAS**—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dubose, Dunn, Earle, Fletcher, Fowler, Gasque, Harris, Hendrix, Hill, Hubbard, Jones of Conecuh, Jones of Cov. Kendrick, Kidd, Lankford, Marchbanks, McMillion, Miree, Morgan of A. Morrison, Mundy, Norman, Norris, Oliver, Pettit, Richeson, Scott, Storrs, Tate, Turner, Valliant, Watts, Whorton, Williams of P. Winston of DeK. and Witherspoon.

**NAYS**—messrs. Banks, Bridges, Caffey, English, Erwin, Gariand,



Jones of G. Kennedy of L. McClung, Morrisett, Pickett, Porter, Rice, Roby, Smith of P. Ware and Woodward.

The question was then put—Shall the bill pass? and decided in the affirmative.—Yeas 50, nays 20:

YEAS—messrs. Abernathy, Barclay, Barron, Bishop, Bothwell, Cain, Campbell, Cochran, Crowder, Dear, Dortch, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Jones of Conecuh, Jones of C. Kendrick, Kennedy of L. Kidd, Lankford, Marchbanks, McLemore, McMillion, Miree, Morgan of A. Morrison, Mundy, Norman, Norris, Oliver, Pickett, Richeson, Scott, Storrs, Tate, Turner, Valliant, Whorton, Williams of P. Winston of DeK. and Witherspoon.

NAYS—messrs. Speaker, Banks, Bridges, Caffey, Clay, Dunn, Erwin, Garland, Jones of G. McClung, McCoy, Morrisett, Pettit, Porter, Rice, Roby, Smith of T. Ware, Watts and Woodward.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles—

An act in relation to jurors in Walker county:

An act to authorize Robert P. Harrison and his associates to establish a ferry across the Big Warrior river, in Blount county:

An act to amend the charters of the several incorporated cities and towns of this State:

An act to establish a ferry across Old Town creek:

An act regulating the appointment of commissioners in certain cases, in De Kalb county:

Which bills originated in the House of Representatives.

The bill from the Senate, to incorporate the Mobile Navigation and Insurance Company, was read the first, second and third times, and passed.

The House took up the bill to incorporate the congregation of Israelites of Shara Shamayem, of the city of Mobile; which was read the first, second and third times, and passed.

The bill from the Senate, to enable Thomas S. Tate to receive an estate, was read the first, second and third times, and passed.

The bill from the Senate, for the relief of John B. Herron, was read the second and third times, and passed.

The House concurred in the amendments of the Senate, to the bill to exempt, from and after the fourth day of July, eighteen hundred and forty-three, real estate not exceeding forty acres from execution, upon contracts hereafter made.

And then the House adjourned.

#### AFTERNOON SESSION, February 13, 1843.

The House met pursuant to adjournment.

Mr. Findley offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives, at seven o'clock,

A. M. of this day, to elect a State Printer, and ten Trustees of the University of Alabama.

Mr. Dortch moved to strike out "seven," and insert "eleven o'clock, to-morrow;" which was carried, and the resolution then adopted.

The House took up the joint resolutions from the Senate, in regard to the expense accounts of the Bank of the State of Alabama, and its Branches.

Mr. Bridges moved to amend the amendment of the Senate—which was adopted.

The amendment of the Senate as amended, was then concurred in.

The House took up the joint resolutions from the Senate, in regard to a change of the Constitution, so as to legalize biennial sessions of the General Assembly.

The question being on concurring in the amendment of the Senate:

Mr. McClung moved to disagree to the first amendment of the Senate.

Mr. Campbell moved to lay the joint resolutions on the table; which was lost.—Yeas 25, nays 45:

YEAS—messrs. Banks, Bridges, Campbell, Cooper, Crowder, Dunn, Erwin, Gasque, Hubbard, Jones of G. Jackson, Kidd, McLemore, Meriwether, Morgan of C. Morrison, Norman, Norris, Oliver, Pettit, Robinson, Ware, Winston of S. Witherspoon and Woodward.

NAYS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Clay, Cochran, Dortch, Douglass, Dubose, Findley, Fletcher, Fowler, Garland, Harris, Harrison, Hendrix, Hill, Jones of Conecuh, Kendrick, Kennedy of L. Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Miree, Morgan of A. Mundy, Pickett, Rice, Richeson, Scott, Skipper, Smith of P. Storrs, Tate, Valliant, Walker, Whorton and Williams of P.

The question then recurred on the motion of Mr. McClung, to disagree to the first amendment of the Senate; and carried.

The House disagreed to the second and third amendments of the Senate.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles—

An act to provide a fund, and to make appropriations to defray the expenses of the present General Assembly, and for the civil list, for the year eighteen hundred and forty-three :

An act to authorize the commissioners of township one, range ten, west, to do certain acts therein named :

Joint resolutions directory to the Secretary of State :

An act in relation to a certain purchase of a part of the sixteenth section, in township twenty, range fourteen, west, in Pickens county :

Joint resolutions to extend the time of payment to the purchasers of sixteenth sections, and indebtedness to sixteenth sections on loans :

An act to authorize the commissioners' court of roads and revenue of the Tallapoosa county, to levy a special tax for certain purposes :

An act to repeal, in part, a certain act therein named, so far as the sixth section thereof relates to the county of Pickens :

An act to divorce Mary T. Judson, from her husband, Lewis Judson :

An act to extend the time for collecting the taxes of Walker county, for the years eighteen hundred and forty and eighteen hundred and forty-one :

An act to change the time for holding the county court of Marengo county :

An act regulating the appointment of a brigade drill officer in each brigade :

An act to authorize the commissioners' court of Greene county to erect a jail in Greensborough, for the safe keeping of slaves levied on under execution :

An act to extend the jurisdiction of county courts, in certain cases :

An act to regulate the selection of grand and petit jurors :

An act concerning chancery practice :

An act to change the time of holding the terms of the county court of Greene county :

An act for the relief of Sally C. Gunn :

An act to repeal, in part, an act in relation to sixteenth sections :

An act to provide a special tax for Marshall county :

An act to set apart from the State Bank, a sum to defray the expenses of the Penitentiary for the present year :

An act to change the times of holding the county courts of St. Clair, Madison and Tuscaloosa counties :

Which bills originated in the House of Representatives.

Mr. Campbell, from the select committee, to whom was referred a bill to authorize the loan of a portion of the two per cent. fund, to the Montgomery and West Point Rail road Company, reported the bill back to the House, without amendment, and recommended its passage.

Mr. Findley moved to amend by an additional section, as follows, viz:

*Be it further enacted*, That the individual property of the stockholders, shall be liable to the State, for the payment of said loan, in addition to the personal security required by this act.

Mr. Erwin moved the previous question; which was sustained—yeas 36, nays 32:

YEAS—messrs. Speaker, Banks, Barron, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Dunn, English, Erwin, Harrison, Jackson, Jones of G. Kidd, Martin, McClung, McCoy, McLemore, Miree, Morgan of C. Morrisett, Morrison, Norris, Oliver, Pettit, Rice, Storrs, Tate, Ware, Watts and Witherspoon.

NAYS—messrs. Abernathy, Barclay, Bishop, Bothwell, Dortch, Douglass, Dubose, Findley, Fletcher, Fowler, Garland, Gasque, Hendrix, Hill, Hubbard, Jones of C. Kendrick, Lankford, Marchbanks, McMillion, Mundy, Norman, Richeson, Robinson, Scott, Smith of P. Valiant, Walker, Williams of P. Winston of DeK. Winston of S. and Woodward.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative—yeas 46, nays 22:

YEAS—messrs Speaker, Abernathy, Banks, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Dunn, Erwin, Garland, Gasque, Harris, Harrison, Hendrix, Jackson, Jones of

C. Jones of G. Kidd, Martin, McClung, McCoy, McLemore, Meriwether, Miree, Morgan of C. Morrisett, Morrison, Mundy, Norman, Norris, Oliver, Pettit, Rice, Richeson, Storrs, Tate, Ware, Watts and Witherspoon.

NAYS—messrs. Barclay, Bothwell, Dortch, Douglass, English, Findley, Fletcher, Fowler, Hill, Kendrick, Lankford, Marchbanks, McMillion, Robinson, Scott, Smith of P. Valliant, Walker, Williams of P. Winston of DeK. Winston of S. and Woodward.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives, that the Senate insists on its amendments to the bill to regulate the Bank of the State of Alabama, and has appointed messrs. Walthall, Fleming and Hudson, a committee of conference on the subject of the disagreement between the two Houses.

The House proceeded to the consideration of the bill to regulate the Bank of the State of Alabama.

The House insists on its amendment to the amendment of the Senate, and adheres to its disagreement of the Senate, and has appointed messrs. Campbell, Morrisett, Bridges, Jackson and Barron, a committee of conference on the part of the House.

The House concurred in the amendments of the Senate to the bill to authorize the commissioners court of Butler county, to levy an additional tax.

The House concurred in the amendments of the Senate, to the bill to appropriate to Thomas Bruce, a sum of money therein named.

The House took from the table, the bill to authorize Alexander White, administrator, and Sarah White, administratrix, of the estate of John White, deceased, to dispose of so much of the real estate of which the said John White died seized, as shall be sufficient to discharge the debts of said estate.

The bill was read the second and third times, and passed.

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to vest in Mary Ann Moore, wife of J. D. S. Moore, certain rights and privileges therein named, and for other purposes:

An act to enable Thomas S. Tate to remove a certain estate:

An act to pay certain contracts for teaching common schools.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—The Senate respectfully ask that the House of Representatives will return to the Senate, the bill exempting certain real estate from execution.

The House having appointed a committee of five to confer on the subject of disagreement between the two Houses; in relation to the amendments to the bill to regulate the State Bank, have added messrs. Thornton and Moores, to the committee on the part of the Senate.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled:

An act to compel commissioners of sixteenth sections, to pay over funds received by them, and for other purposes:

An act to charter and incorporate the members of Mobile Lodge, No. two, of the Independent Order of Odd Fellows:

An act to amend the road laws, so far as they relate to Marengo county.

And an act to increase the county tax in Marengo county.

The bill from the Senate, to confirm the emancipation of certain slaves therein named, was read the first, second and third times, and passed.

The bill from the Senate to make uniform the time of holding the commissioners court in Pickens county, was read the first, second and third times, and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the town of Tuskegee, in Macon county:

An act to divorce certain persons therein named:

And an act to authorize the judge of the county court and commissioners of roads and revenue, of Morgan county, to levy a special tax.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House to appropriate to Thomas Bruce, a sum of money therein named—and amended the same as therein shewn.

The Senate has also passed a bill to permit Bank debts to be extended, in certain cases, with new security; and in relation to rules against sheriffs.

And then the House adjourned.

#### NIGHT SESSION, February 13th, 1843.

The House met pursuant to adjournment.

Mr. Hubbard, from the committee on Federal relations, to which was referred the report and resolutions of South Carolina, adopted at its recent session, in relation to the controversy between New York and Virginia, together with a copy of the act of the General Assembly of South Carolina, "to prevent the citizens of New York from carrying slaves out of said State, and to prevent the escape of persons charged with the commission of any crime," reported the following resolutions:

*Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the State of Alabama will sustain the State of Virginia, in all needful and proper measures, to redress the wrongs complained of, and to prevent their recurrence.

*Resolved further,* That the Governor send copies of this report and resolutions to the Governors of the several States, and our Senators and Representatives in Congress.

Mr. Erwin moved to postpone the report and resolutions until to-morrow, at ten o'clock; which was lost.

The report was concurred in unanimously.

Ordered, that the committee on Federal relations be discharged from the consideration of all other matters submitted to them.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved the following bills:

Joint resolutions in relation to the salt wells and salt springs belonging to the State of Alabama:

An act to authorize Franklin Fortner to erect a toll bridge across the Big Warrior river:

An act to raise a revenue for the support of the State Government, and for other purposes.

An act to change the county courts of Limestone county:

An act to extend the provisions of an act therein named, to the county of Blount:

An act to change the names of certain persons therein named:

An act to reduce the number of company musters, required by law to be holden, and prescribe the manner of holding company courts martial:

An act for the relief of Adaline R. Deavreux:

An act for the relief of Howell E. Chitty:

An act for the relief of the legal representatives of Jesse B. Phillips, deceased:

An act declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into water courses:

An act to require the county officers of Marshall county to receive certain claims therein named:

An act to repeal a part of an act therein named, and for other purposes:

An act in relation to the settlement of the accounts of executors, administrators and guardians:

An act for the improvement of the Noxubee river, in Sumter county:

An act in relation to the public roads in Wilcox county:

An act to change the time of holding certain chancery courts in the Southern chancery division:

An act to divorce certain persons therein named:

Joint resolutions, authorizing the State Bank and Branches to issue small Bank notes in certain cases:

An act to authorize the judges of county courts and commissioners' courts of roads and revenue in certain counties, to levy an extra tax for the purpose of paying county debts.

An act to divorce certain persons therein named:

An act to compel commissioners of sixteenth sections, to pay over funds received by them and for other purposes:

An act to amend the road laws so far as they relate to Pickens county:

An act to charter and incorporate the members of the Mobile Lodge, No. two, of the Independent Order of Odd Fellows, in the city of Mobile:

An act to authorize the Judge of the county court and commissioners of roads and revenue, in Morgan county, to levy a special tax:

An act to incorporate the town of Tuskegee, in Macon county:

An act to vest in Martha M. Moore, wife of J. S. Moore, certain rights and privileges therein named, and for other purposes:

An act to increase the county tax in Marengo county:

Which bills originated in the House of Representatives.

The House then took up the bill from the Senate, to exempt from and after the fourth day of July, eighteen hundred and forty-three, real estate not exceeding forty acres, from execution, upon contracts thereafter made.

The question being on the amendment of the Senate.

Mr. McClung moved that the House disagree; which was carried:

The House took up the bill to rescind the contract of sale of section sixteen, in township thirteen, range twenty-seven, in Barbour county, with the consent of the purchaser or present holder of the certificate of purchase; which was read the second and third times and passed.

The House took up the joint resolutions to authorize the Warden of the Penitentiary to appoint a deputy warden.

The question was taken on the motion to postpone indefinitely, and lost—Yeas 27—Nays 33:

YEAS—messrs. Bothwell, Cain, Douglass, Dubose, Earle, English, Findley, Fletcher, Fowler, Garland, Hendrix, Jones of G. Lankford, Marchbanks, McClung, McMillion, Miree, Murphey, Norman, Norris, Pettit, Rice, Richeson, Valliant, Whorton, Williams of P. and Winston of DeK.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bishop, Bridges, Caffey, Campbell, Cochran, Crowder, Dunn, Erwin, Harris, Harrison, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of C. Kendrick, Martin, Morgan of A. Morgan of C. Morrison, Mundy, Oliver, Porter, Robinson, Smith of T. Ware, Watts, Witherspoon and Woodward.

The joint resolutions were then read the third time and lost—Yeas 33—nays 33:

YEAS—messrs. Speaker, Abernathy, Banks, Bishop, Bridges, Caffey, Campbell, Crowder, Dunn, English, Erwin, Gasque, Harris, Harrison, Hubbard, Jackson, Jones of Conecuh, Jones of C. Kendrick, Kennedy of L. Martin, Meriwether, Morgan of A. Morgan of C. Morrison, Mundy, Oliver, Porter, Robinson, Ware, Watts, Witherspoon and Woodward.

NAYS—Messrs. Bothwell, Cain, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Jones of G. Lankford, Marchbanks, McClung, McMillion, Miree, Morrisett, Murphey, Norman, Norris, Pettit, Pickett, Rice, Richeson, Roby, Scott, Smith of P. Smith of T. Valliant, Whorton, Williams of P. and Winston of DeK.

Mr. Abernathy, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to require an extra term of the chancery court, to be held for Sumter county:

An act for the relief of Henry Lawrence:

An act, amendatory of an act, for the better regulation of the State printing, and altering the mode of paying for the same:

The engrossed bill for the relief of Ellison Warren, was read the third time and passed:

The House concurred in the amendments of the Senate to the bill to alter the laws now in force, relating to the change of venue:

The bill from the Senate, to require the county officers of Marshall

county, to receive certain claims therein named, was read the first, second and third times, and passed:

The bill from the Senate, to incorporate the Fire Department Association of Mobile, was read the first time.

On motion of Mr. Erwin, the rule was suspended, the bill was read the second time forthwith, rule further suspended, read the third time, and passed:

The House concurred in the amendments of the Senate to the bill to exempt certain property therein named, from execution, in the several counties of this State:

The joint resolutions directory to the Secretary of State, was read the first, second and third times and passed.

The House concurred in the amendments made by the Senate to the bill to fix the compensation of the judges of the county court of Mobile county.

The House disagreed to the amendments made by the Senate, to the bill to run and mark the line between the counties of Shelby and Jefferson:

The bill to incorporate the Carrollton Academy, in Pickens county, was read the first, second and third time, and passed:

The bill to establish the lost records in Henry county, was read the first and second time.

Mr. Morrisett moved to amend; which was adopted.

The bill was read the third time and passed.

And the House adjourned.

TUESDAY, February 14th, 1843.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed the following bills from the House:

A bill to be entitled an act for the relief of Thomas Stringer, of Mobile county:

Also, a bill to provide for the distribution of certain documents among the several counties of this State:

A bill for the relief of the tax collector of Covington county:

Joint resolutions on the subject of the assumption of the State debts by the General Government, and against the repudiation of State debts:

Memorial and joint resolutions in regard to the Muscle Shoals Canal, in Lauderdale county.

The Senate insists upon its amendments to the joint resolutions proposing a change in the Constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature, and to reduce the number of members thereof.

The Senate has passed a bill to attach a part of Pickens county to Greene county:



A bill to fix, regulate and reduce the fees and salaries of certain officers therein named:

A bill to repeal in part an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott of Jackson, county, passed January seventh, one thousand eight hundred and twenty-eight:

A bill to repeal in part a certain act therein named:

A bill to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county:

A bill for the relief W. R. Bullock and James House, of Sumter county.

A bill for the relief of Davis E. Gresham and William Joiner.

The Senate concurs in the amendments made by the House to a bill for the relief of John Baird; which originated in the House.

The Senate also concurs in the amendments made by the House to the amendments of the Senate to a bill from the House to abolish certain election precincts, and for the establishment of others in lieu thereof, in Dale and Coffee counties.

And passed the bill from the House explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed thirteenth February, one thousand eight hundred forty-three.

Also, a bill to amend the laws in force for the creation of a school fund in the county of Mobile.

A bill to authorize the levying of a special tax to build a jail in the county of Barbour.

A bill to amend an act entitled an act to ascertain and fix a suitable site for the permanent location of the court house, in Covington county, and for other purposes.

A bill to amend an act to incorporate the town of Auburn, in Macon county.

A bill to repeal in part an act for the relief of tales jurors, in St. Clair, and other counties, approved December twentieth, one thousand eight hundred and forty-one:

A bill for the relief of the tax collector of Dale county, for the year one thousand eight hundred and forty-one:

A bill to incorporate the town of Greenville, in Butler county, and for other purposes:

A bill to alter the time of holding certain courts therein named:

And, a bill to make appropriations for certain claims against the State:

The bill from the Senate, to incorporate the Dayton Literary Association, was read the first, second and third times, and passed.

The bill to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company, was read the third time.

Mr. Findley moved to amend by an additional section, as follows:

That the interest arising from said sum shall be set a part as a fund for the education of the indigent and poor children in this State, to be

distributed among the several counties, according to their respective white population, at such times, and to be expended in such manner as the Legislature may, from time to time, direct.

Mr. Jones of G. moved the previous question; which was sustained.

The question was then taken on the passage of the bill, and carried—yeas 40, nays 21.

**YEAS**—Messrs. Speaker, Abernathy, Banks, Barron, Bishop, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Dunn, Erwin, Garland, Gasque, Harris, Hendrix, Jackson, Jones of Conecuh, Jones of C. Jones of G. Kennedy of L. Kidd, Martin, McClung, McCoy, McLemore, Morgan of C. Morrisett, Morrison, Murphey, Norris, Oliver, Rice, Smith of T. Ware, Watts and Witherspoon.

**NAYS**—messrs. Barclay, Bothwell, Dortch, Douglass, Earle, Findley, Fletcher, Fowler, Hill, Kendrick, McMillion, Mundy, Norman, Richeson, Robinson, Scott, Smith of P. Tate, Turner, Valliant, and Williams of P.

The bill defining the duties of the commissioners of roads and revenue of Cherokee county, was read the second and third times, and passed.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled:

An act to confirm the emancipation of certain slaves therein named:

An act to exempt certain property therein named, from execution, in the several counties in this State, and to alter the laws now in force relating to the change of venue:

An act making appropriations to certain persons therein named:

An act to authorize the commissioners court to levy an additional tax:

And, joint resolutions in regard to the expense account of the Bank of the State of Alabama and its Branches.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House, to compensate Robert Fenner and others, for services therein specified, and amended the same as therein shown.

The Senate adheres to its amendments to the bill to run and mark out the line between the counties of Shelby and Jefferson.

The Senate insists on its amendments to the bill to exempt, from and after the fourth day of July, one thousand eight hundred and forty-three, real estate not exceeding forty acres, from execution upon contracts thereafter made.

The Senate has passed a bill for the incorporation of the Alabama Military and Scientific Institution.

Also, a bill concerning executions, and for other purposes:

And, a bill from the House, for the relief of James M. Young:

The Senate concurs in the amendments of the House, to a bill to establish the lost records in Henry county.

The bill from the Senate, to compensate Logan D. Brandon, of Madison county, was read the first time.

Mr. Garland moved to lay the bill on the table; which was carried.

The bill from the Senate, regulating and prescribing the mode of settlement in Orphans' court, by executors, administrators and guardians, was read the first, second and third times, and passed.

Mr. Rice offered the following resolution; which was adopted:

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of electing ten trustees for the University of Alabama, and a State Printer.

The Senate repaired to the hall of the House.

The two Houses proceeded to the election of a Trustee for the first Judicial Circuit:

*Mr. E. D. King*, being alone in nomination, and receiving ninety-one votes, Mr. President declared him duly and constitutionally elected a Trustee of the University of Alabama, for and during the time prescribed by the Constitution.

The two Houses then proceeded to elect a Trustee for the second Judicial Circuit:

*Daniel H. Norwood* and *James A. Tate* were put in nomination.

Those who voted for *Mr. Tate*, are messrs. President, Brindley, Buford, Creagh, Fleming, Foster, McAllister, McClanahan, McVay, Rodgers, Ross, Toulmin and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Clay, Cochran, Dear, Dortch, Dubose, Findley, Fowler, Garland, Harrison, Hill, Hubbard, Jackson, Jones of Con. Jones of Cov. Kennedy of M. Kidd, Martin, McClung, McLemore, Meriwether, Morrison, Mundy, Norman, Oliver, Pickett, Rice, Richeson, Smith of P. Tate, Turner, and Williams of P. of the House.

Those who voted for *Mr. Norwood*, are messrs. Dent, Hudson, Jones, King, McConnell, Moores, Oliver, Phillips, Thornton, Walker, Walthall and Watrous of the Senate; and messrs. Banks, Barron, Caffey, Crowder, Douglass, Dunn, Earle, English, Erwin, Fletcher, Gasque, Hendrix, Jones of G. Kendrick, Kennedy of L. Miree, Morgan of A. Norris, Pettit, Porter, Robinson, Roby, Skipper, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, Witherspoon and Woodward of the House.

*Mr. Tate* having receiving a majority of all the votes cast, was declared duly and constitutionally elected a Trustee of the University of Alabama, from the second Judicial Circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of two Trustees for the University of the State of Alabama, from the third Judicial Circuit:

*Hon. Walker K. Baylor*, *Benjamin F. Porter* and *D. P. Bestor*, being put in nomination.

*Mr. Baylor* received sixty-three votes—*Mr. Porter* ninety-four—and *Mr. Bestor* forty-one.

Those who voted for *Mr. Baylor*, are messrs. President, Buford, Creagh, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall and Wilson of J. of the

Senate; and messrs. Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Dortch, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hubbard, Jackson, Jones of Cov. Kennedy of L. Kennedy of M. Martin, McMillion, Meriwether, Morgan of A. Mundy, Murphey, Norman, Pettit, Rice, Richeson, Robinson, Scott, Skipper, Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Whorton and Winston of S. of the House.

Those who voted for *Mr. Bestor*, are messrs. Creagh, Jones, King, McClanahan, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Clay, Crowder, Dear, Dunn, Harris, Hill, Jones of Conecuh, Jones of G. Kendrick, Kidd, McClung, Miree, Morrisett, Morrison, Norris, Oliver, Pickett, Roby, Storrs, Ware, Watts, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Porter*, are messrs. President, Buford, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Walker, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

*Messrs. Baylor* and *Porter* having severally received the highest vote, and a majority of all the votes cast, were declared duly and constitutionally elected Trustees of the University of Alabama from the third Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama from the fourth Judicial Circuit:

*Henry W. McVay* and *Francis Roby*, being in nomination.

*Mr. Roby* received fifty-three votes, and *Mr. McVay* thirty-six.

Those who voted for *Mr. McVay*, are messrs. President, Brindley, Buford, Creagh, Dent, Foster, Hudson, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Toulmin, Walthall, Watrous and Wilson of J. of the Senate: and messrs. Abernathy, Barron, Bridges, Dear, Douglass, Dubose, Dunn, Fletcher, Gasque, Jones of Cov. Kennedy of M. Mundy, Richeson, Smith of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Roby*, are messrs. McClanahan, McConnell and Walker of the Senate; Messrs. Banks, Barclay, Bishop, Bothwell, Bridges, Campbell, Clay, Cochran, Cooper, Crowder, Dortch, Earle, English, Erwin, Findley, Fowler, Harris, Harrison, Hendrix, Hill, Hubbard,

Jackson, Jones of Conecuh, Jones of G. Kendrick, Kidd, Martin, McClung, McMillion, Miree, Morgan of A. Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Rice, Robinson, Skipper, Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, and Williams of P. of the House.

*Mr. Roby* having received a majority of all the votes given, was declared duly and constitutionally elected a Trustee of the University of Alabama from the fourth Judicial Circuit, for and during the time prescribed by law.

The two Houses next proceeded to the election of a Trustee for the University of Alabama from the fifth Judicial Circuit:

*Robert T. Scott*, being alone in nomination, and receiving eighty-eight votes, was declared by Mr. Speaker, duly and constitutionally elected a Trustee of the University of Alabama, from the fifth Judicial Circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the sixth Judicial Circuit:

*Isaac H. Erwin* being alone in nomination, and receiving eighty-eight votes, was declared duly and constitutionally elected a Trustee of the University of Alabama for and during the term prescribed by law.

The two Houses proceeded first to the election of a Trustee for the University of Alabama, from the seventh Judicial Circuit:

*James M. Beckett*, being alone in nomination, and receiving eighty-five votes, was declared duly and constitutionally elected a Trustee of the University of Alabama, from the seventh Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the eighth Judicial Circuit:

*Francis Bugbee* and *David Shorter* being in nomination.

*Mr. Shorter* received forty-three votes, and *Mr. Bugbee* fifty-two.

Those who voted for *Mr. Shorter*, are messrs. President, Creagh, Fleming, Foster, McAllister, McConnell, Rodgers, Toulmin, Walker, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Bishop, Bridges, Cain, Campbell, Clay, Cochran, Dortch, Dubose, Findley, Garland, Gasque, Harrison, Hill, Hubbard, Jackson, Kendrick, Meriwether, Miree, Morrison, Norman, Pettit, Porter, Skipper, Smith of P. Tate, Turner, Valliant, Williams of P. Winston of S. and Woodward, of the House.

Those who voted for *Mr. Bugbee*, are messrs. Brindley, Dent, Hudson, King, McClanahan, McVay, Moores, Oliver, Phillips, Ross and Watrous of the Senate; and messrs. Banks, Barclay, Barron, Bothwell, Caffey, Cooper, Crowder, Dear, Douglass, Earle, Erwin, English, Fletcher, Fowler, Harris, Hendrix, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McMillion, Morgan of A. Morrisett, Murphey, Norris, Oliver, Pickett, Rice, Robinson, Roby, Smith of T. Storrs, Walker, Ware, Watts, Whorton and Witherspoon of the House.

*Mr. Bugbee* having received a majority of all the votes given, was declared duly and constitutionally elected a Trustee of the University of

the State of Alabama, from the eighth Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the ninth Judicial Circuit:

*Lemuel B. Robinson*, alone being in nomination, and receiving eighty-five votes, was declared duly and constitutionally elected Trustee of the University of Alabama from the ninth Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a State Printer.—*Messrs. Phelan & Harris*, being alone in nomination, receiving all the votes cast, were declared duly and constitutionally elected State Printers, for and during the term prescribed by law.

The Senate then retired.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has passed a bill from the House, to divorce Thomas Downing, from his wife, Sarah Downing.

The House took up the joint resolutions proposing a change in the constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature.

Mr. Dunn moved to lay the joint resolutions on the table; which was lost—Yeas 23, Nays 36:

YEAS—messrs. Banks, Barron, Bishop, Caffey, Cooper, Dortch, Dunn, Erwin, Gasque, Harris, Hubbard, Jackson, Jones of Cor. Kidd, Meriwether, Norris, Oliver, Pettit, Robinson, Ware, Watts and Witherspoon.

NAYS—messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Cain, Clay, Cochran, Douglass, Dubose, Earle, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Kendrick, Kennedy of L. Kennedy of M. Martin, McClung, Mundy, Murphey, Pickett, Porter, Rice, Richeson, Scott, Smith of P. Smith of T. Storrs, Tate, Valliant, Walker and Whorton.

The House insisted on its amendments, and appointed Messrs. Kennedy of L. McClung, Smith of P. Dunn and Kidd, a committee of conference on the part of the House.

The bill to confirm the emancipation of certain slaves therein named.

The bill to authorize the judge of the county court, and commissioners of roads and revenue, of Conecuh county, to purchase a certain lot of land therein named:

And the bill for the relief of the mayor of the city of Tuscaloosa, were severally read the first, second and third times, and passed.

The House concurred in the amendments of the Senate, to the bill to abolish and establish certain election precincts therein named.

The bill from the Senate, to incorporate the Alabama Military and Scientific Institution, was read the first, second and third times, and passed.

The bill to incorporate the Aberfoil Male and Female Academy, in Macon county, was read the second and third times, and passed.

Mr. Ware introduced a bill for the relief of Thomas Zimmerman and William C. Pullen; which was read the first, second and third times, and passed.

Mr. Woodward, from the committee on propositions and grievances, to whom was referred a bill to impose a fine upon owners of slaves, for the neglect of certain duties therein named, reported a bill back to the House, with a proviso, and recommended its passage.

On motion of Mr. Rice, the bill and report were laid on the table.

Mr. Jones of G. from the committee on accounts, to whom was referred sundry accounts, reported that said accounts ought not to be allowed.

The report was laid on the table.

Mr. McClung, from the judiciary committee, to whom was referred a bill in relation to constables, reported the same back to the House, with an amendment, and recommended its passage.

The report being concurred in, the bill was read the third time, and passed.

The House took up the homestead bill.

The House insisted on its amendments, and appointed Messrs. Hubbard, Williams of P. Earle, Bridges and McClung, a committee of conference on the part of the House.

A message from the Senate, by Mr. Scales :

Mr. Speaker—The Senate has adopted joint resolutions in relation to the tariff :

Also, joint resolutions from the House, in relation to the State of Virginia :

A bill in relation to the compensation of Bank attorneys :

And a bill defining the duties of commissioners of roads and revenue, in the county of Cherokee, and for other purposes.

And then the House adjourned.

#### AFTERNOON SESSION, February 14, 1843.

The House met pursuant to adjournment.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles :

An act to amend the law altering the mode of assessing and collecting the taxes in Pike county :

Memorial and joint resolutions, in regard to the Muscle Shoals canal, in the county of Lauderdale :

An act for the relief of James M. Young :

An act to incorporate the town of Greenville, in Butler county, and for other purposes :

An act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company :

An act for the relief of Thomas Stringer, of Mobile county :

An act to regulate and reduce the fees and salaries of certain officers therein named :

An act to repeal, in part, an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott, of Jackson county, passed January seventh, eighteen hundred and twenty-eight :

Mr. Storrs, from the same committee, reported as correctly enrolled, an act for the relief of John B. Herron :

An act to require the county officers of Marshall county, to receive certain claims therein named :

An act to make uniform the time of holding the commissioners' court in Pickens county :

An act for the relief of Ellison Warren :

An act changing the direction of the tax fees on suits at the instance of the Banks of this State :

An act to provide for the election of tax collectors for the counties of Cherokee and De Kalb :

An act to repeal, in part, a certain act therein named :

An act for the relief of the tax collector of Dale county, for the years eighteen hundred and forty, and eighteen hundred and forty-one :

Joint resolutions directory to the Secretary of State :

An act for the relief of John Baird :

An act to authorize the levying of a special tax to build a jail house in Barbour county :

Joint resolutions on the subject of the assumption of the State debts by the General Government, and against the repudiation of State debts :

An act to divorce Thomas Dowing from his wife Sarah Dowing:

An act to attach a part of Pickens county to Greene county:

An act for the relief of Davis E. Gresham and William Joiner:

An act for the relief of the tax collector of Covington county:

And an act to amend an act to incorporate the town of Auburn, in Macon county.

Mr. Campbell, from the select committee, to whom was referred a bill to raise a revenue to maintain the plighted faith of Alabama, made the following report:

The select committee to whom was referred a bill to be entitled, an act to raise a revenue to maintain the plighted faith of the State, have had the subject under consideration, and have instructed me to report—

That the committee acquiesce with regret and difficulty in the conclusion, that no action can be taken on the bill at the present session of the General Assembly. The committee feel, that a review of the measures of the present session, will afford evidence, that indifference to the objects of the bill, cannot be imputed to them.

When the General Assembly convened, it found, that years ago, the people had been discharged from the office of maintaining their institutions. That the government of the State, its officers and administration, were all maintained by contributions from the public Banks. That all the appropriations in favor of schools, and for internal improvement, were derived from the same source.

These Banks had been for years, unable to maintain their own engagements. They had furnished to the people an irredeemable currency, which was constantly fluctuating in value.

They had generated in the State a spirit of improvidence and wastefulness. Their management had been characterized by abuse and extravagance. They had indulged, in more instances than one, in fanciful spec-



ulations, to the great detriment of the business of the country. They had already occasioned a vast loss of capital and credit to the State. A reform was imperiously demanded.

The General Assembly at its present session, have passed bills:

1. To provide by taxation, a sum sufficient to meet the current expenses of the present year, and to support the Government, until the taxes can be collected in the succeeding year.

2. The appropriation of money from the Banks for schools, has been withdrawn, and no application for internal improvements, has been admitted.

3. The powers granted to the Banks, to lend money or to increase their debts have been revoked, and four Branch Banks have been placed in liquidation.

4. The system of Bank management has been scrutinized. The number of officers has been reduced. Their salaries curtailed, and efficiency has been promoted.

5. Resolutions enforcing responsibility, on account of illegal expenditures, have been adopted.

6. The salaries of all the officers in the executive and judicial departments, have been reduced, and the fees to subordinate officers, in the same departments, have been diminished.

7. The compensation to members of the General Assembly, was reduced in the House. The Senate refuses to permit any alteration, so far as it is concerned. Your committee trust, that the House will proceed as far as it is now permitted, and wait for instructions from the people, to perfect their system on this subject.

9. Bills have passed the House, retrenching expenses of suits in court, and dispensing with the expensive machinery employed to settle controversies, where no controversy exists between the parties.

The measures which the House has refused to pass, are not less in importance, in their conservative influence, than those that were adopted. The embarrassments of the people are known to be great. The pecuniary distress, which originated in causes have that been in operation for years, will be increased by the measures of the session.

The General Assembly has passed no law to obstruct the regular administration of justice, or to hinder or delay the creditor in the collection of his debt. The debtors of the Banks have received no preference in the legislation of the State. The discrimination and indulgence that have marked the laws of the State for their benefit, have not appeared in the acts of the House of Representatives.

The preparation of these acts was necessarily a work of time, requiring much thought and discussion. In instances, all has not been done that some thought to be necessary, to maintain the public obligations. And, in other instances, more has been done than many esteemed to be consistent with the observance of a prudent and discreet policy. Differences of opinion were unavoidable.

Examining the system of policy as a connected whole, your committee feel constrained to say, that a great and radical reform has been accomplished. That the present evils may be more severe than another

course might have occasioned; but that if such should be the fact, the people will have a compensation afforded to them, in the good which must ultimately flow from their final and complete abandonment of a vicious and demoralizing system.

The separation of the State from all dependence on the Banks, and the concession of the fact, that years will elapse before they can discharge their debts from their resources, imposes the duty of an inquiry into the obligations of the State. The result of this inquiry has been to induce the conviction, that the State should resort to taxation to provide the means to fulfil the public engagements.

The Banks were created by the State. They were endowed with the power of making contracts, and furnished with the means of acquiring credit with the community. The acknowledgment of these facts, results in the conclusion, that the State should refuse to withdraw any of the resources, placed at the command of those institutions, while their engagements remain unfulfilled. It is true, that the State may safely calculate that a surplus will remain after the payment of those debts. It is not less true, that the employment by the State, of that surplus in advance, will impair the public confidence, diminish the value of the currency, and thereby increase the embarrassments of the people, and violate the faith of the State to the holders of the bills of the Banks.

The surplus that shall remain of the assets of the Banks, after the payment of their debts, should be applied to the payment of the principal sum, due on account of their capitals.

The debts due to the Banks bear interest, while the debts due by them do not carry an interest in favor of their creditors. Hence the resources of the Banks would be accumulating, and their credit would improve in proportion. If the State would dedicate the resources of these institutions to the fulfilment of their engagements, we might, within a very few years, expect the currency to be absorbed, and the State relieved from the scourge that has so severely afflicted it.

If the State insists upon applying the assets of the Banks to the payment of the interest on the State bonds, the capital of the Banks will soon be exhausted. The charges on the interest, arising from the separate debts of the Banks, will not be met by the amount that can be collected from that source, during the present year.

At the end of this year's transactions, the Banks will be found in a worse condition than they now are, by the charges that are already imposed upon them.

This condition of things will be continued by the constant diminution of the debts from which interest will be derived, by means of payments in the bills of the Banks, and the destruction of these bills, while the interest payable by the State on account of its bonds, and the University and school funds, will exhibit no diminution.

Hence, every year will show the property of the State lessening in amount, while its debts remain stationary.

The end will be a resort to the people for taxes, of a much larger amount, and imposing a severer burden, or to a declaration of bankruptcy by the State.

Your committee are firmly of opinion, that a timely resort to the people, for the means of paying the interest on the State debts, and the honest application of the remaining resources of the Banks, to the extinguishment of the principal sum, is the policy most consistent with the duty and honor of the State. The idea cannot be tolerated, that this generation shall spend in profusion and extravagance, the money borrowed upon the public credit, and that posterity shall bear all the consequences. It would be a most atrocious violation of all the obligations we owe to our children, to impose upon them the burden, exclusively, of discharging the public debt. Let us, at least, transmit to them the inheritance of a State, relieved as far as possible of the incumbrances which, in an evil hour, we imposed upon it. Let those incumbrances be a tax upon our industry, our comfort, our energies, and not upon theirs.

The propriety of this course is manifested, when we consider the condition of a portion of the public debt.

There has been disclosed at the present session of the General Assembly, a strong disposition to withdraw the sixteenth section funds from the Banks. The University funds are equally sacred.

These provisions for public education, have their origin in the councils of the fathers of the Republic. They display that forethought and foresightedness, which characterize the men of the revolution. They exhibit that profound and earnest spirit of patriotism, which is not satisfied by a transient and ephemeral policy, but which comprehends in its arrangements, every interest, however minute, and every person, however remote, either in time or in place, who is concerned in the destinies of the State. Your committee invoke for our counsels, the presence of that spirit.

These funds should be carefully and religiously preserved, in the wreck of the Banks—and the powers of the State should be employed at once, to supply them if they have been lost.

The bonds falling due in eighteen hundred and forty-four, by the act under which they were issued, were made a charge upon a portion of the assets of the Banks. The payment of the principal of those bonds, should be made as soon as practicable, from these assets. Your committee conclude, that after the redemption of the circulation, and the payment of the depositors of the Banks—after the security of the University and school funds, and the payment of the interest on the bonds during this year, and the next, there will not be a large amount of the resources of the Banks, immediately available.

Some of the debt classified as good, must be extended to very distant periods. Much of the real estate cannot be disposed of, and the bad and doubtful debts, will afford an unsafe dependence.

Every consideration your committee can give this subject, only fortifies the conviction, that an appeal to the people has become necessary, to sustain the plighted faith of the State. Your committee cannot make an argument in favor of the obligation—there are considerations, however, which should strengthen us to a prompt and ready obedience to it.

The American name, which for more than half a century, has been an object of interest and hope to mankind, is now a word of reproach. It

has become so from the want of fidelity, on the part of the States, in paying their debts.

The energies of our people have become weak and enervated. We want firm, manly, and public spirit, in our legislation, to restore power and confidence in our people.

The bonds of the American States, have been distributed through European States. The pittance of the laboring man, the small fortunes of the widow and the orphan, the charities of the humane and the benevolent, the savings of honest industry, were cheerfully and trustingly invested in the promises of our people.

The existence of these facts, should awaken the attention of our people to the importance of prompt and efficient action on this subject. They surely are of a character to aggravate the offence of any default on their part.

Your committee regret that the work of preparation had not been commenced by the General Assembly at its present session. They express their deliberate conviction, that if any neglect should occur on the part of the Legislature at its next session, that the worst consequences may happen. They cannot, therefore, return the bill to the House, without an earnest exhortation to the people, and to the General Assembly which shall succeed this, in the care of the public interests, to go on to the full accomplishment of this work.

All of which is respectfully submitted.

Mr. Douglass moved to lay the report and bill on the table, and print three hundred copies.

A division of the question was called; which was first taken on laying on the table, and carried.

The question was then taken on ordering three hundred copies to be printed, and lost.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has adopted a resolution from the House, proposing to adjourn *sine die* on Tuesday, and amended the same, by inserting twelve o'clock, Wednesday, instead of Tuesday:

The Senate has appointed messrs. Hudson, Jones, Toulmin, King and McClanahan, a committee of conference on the part of the Senate, on the subject of biennial sessions of the Legislature and reducing the number of members thereof.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives, of the concurrence of the Senate, in the report of the committee of conference on the bill to regulate the Bank of the State of Alabama.

Mr. Scott, from the committee on enrolled bills, reported as correctly enrolled—An act in relation to the compensation of bank attorneys.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles—

An act making appropriations to certain persons therein named:

Joint resolutions in regard to the expense accounts of the Bank of the State of Alabama, and its Branches:

An act to exempt certain property therein named from execution, in the several counties in this State:

An act to alter the laws now in force relating to a change of venue:

An act to authorize the commissioners' court of Butler county to levy an additional tax:

Which bills originated in the House of Representatives.

Mr. Campbell, from the committee of conference on the bill to regulate the Bank of the State of Alabama, reported the bill back to the House, with amendments; which were concurred in.

Mr. Kennedy of L. from the committee of conference on the joint resolutions proposing a change in the Constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature and reduce the number of members thereof, reported the bill back with amendments; which were concurred in.—Yeas 46, nays 20:

YEAS—messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Campbell, Clay, Douglass, Earle, English, Findley, Fletcher, Fowler, Garland, Harrison, Hendrix, Hill, Jones of C. Kendrick, Kennedy of L. McClung, McCoy, McMillion, Miree, Morgan of A. Morrisett, Mundy, Pickett, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Storrs, Tate, Turner, Valliant, Walker, Ware, Whorton, Williams of P. and Woodward.

NAYS—messrs. Banks, Bridges, Cooper, Crowder, Dortch, Dunn, Erwin, Gasque, Jackson, Jones of G. Kidd, Meriwether, Norman, Norris, Oliver, Pettit, Smith of T. Watts, Winston of S. and Witherspoon.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate concurs in the amendments made by the House to the bill to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Railroad Company:

A bill to authorize the judge and commissioners of Conecuh county to purchase a certain lot of land for the use of the county, therein named:

A bill for the relief of Thomas J. Zimmerman and Wm. O. Pullen:

A bill to authorize Wm. H. Garrett, to establish a ferry on Coosa, river, in Cherokee county:

A bill to incorporate the Aberfoil Academy, in Macon county:

A bill to regulate and define the duties and liabilities of constables, and for other purposes:

The Senate refuses to concur in the report of the committee of conference on the joint resolutions, proposing a change in the constitution of the State of Alabama, so as to legalize biennial sessions of the legislature and reduce the number of members thereof:

The Senate concurs in the report of the committee of conference, on the bill to exempt real estate, not exceeding forty acres, from execution upon contracts thereafter made.

Mr. Smith of T. from the select committee, to whom was referred sundry petitions of the citizens of Shelby, Jefferson and Tuscaloosa counties, asked to be discharged from the further consideration of the same:

The report was concurred in, and the committee discharged:

Mr. Porter, from the select committee, to whom was referred a bill to authorize the signing and sealing of bill of exceptions in criminal cases, reported the same back to the House, with a proviso.

The report being concurred in, the bill was read the third time, and passed.

Mr. Norman moved to take up the bill, concerning executions, and for other purposes: which was lost—Yeas 23—nays 39:

YEAS—messrs. Barclay, Bishop, Bothwell, Cooper, Dortch, Douglass, Findley, Fletcher, Fowler, Garland, Hendrix, Hubbard, McMillion, Meriwether, Miree, Mundy, Norman, Rice, Scott, Skipper, Storrs, Walker and Whorton.

NAYS—messrs. Speaker, Abernathy, Banks, Barron, Bridges, Campbell, Clay, Crowder, Dear, Dubose, Dunn, Earle, English, Erwin, Gasque, Harrison, Hill, Jackson, Jones of G. Kendrick, Kidd, McClung, McCoy, Morrisett, Morrison, Norris, Oliver, Pettit, Pickett, Robinson, Smith of T. Tate, Turner, Valliant, Watts, Williams of P. Winston of S. Witherspoon and Woodward.

Mr. Bridges moved to take up the bill to fix the compensation of the members of the General Assembly, and the officers of the two Houses; which was carried.

Mr. Porter moved to lay the bill on the table; which was lost—Yeas 22—nays 44:

YEAS—messrs. Barron, Clay, Cooper, Crowder, Dunn, Gasque, Harrison, Jones of Conecuh, Jones of G. Kendrick, Kidd, Morgan of A. Morrison, Norman, Norris, Oliver, Porter, Skipper, Turner, Ware and Woodward.

NAYS—messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Campbell, Dear, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Hendrix, Hill, Hubbard, Jackson, Jones of C. McClung, McCoy, McMillion, Meriwether, Miree, Morrisett, Mundy, Pickett, Rice, Richeson, Robinson, Scott, Smith of T. Storrs, Tate, Valliant, Walker, Watts, Whorton, Williams of P. Winston of S. and Witherspoon.

Mr. Bridges moved that the House insist on its disagreement to the amendment of the Senate to the said bill; which was carried, and messrs. Bridges, McClung, Hubbard, Douglass and Findley, were appointed a committee of conference on the part of the House:

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to confer certain powers upon the mayor of Tuscaloosa:

An act to incorporate the trustees of the Carrollton Academy in Pickens county:

An act to incorporate the Fire Department Association of Mobile:

An act to incorporate the Alabama Military and Scientific Institution:

An act to confirm the emancipation of certain slaves therein named:

An act to establish lost records in Henry county:

An act to authorize Alexander White, administrator, and Sarah White, administratrix of John White, deceased, to dispose of so much of the real estate, of which the said John White, died seized, as shall be sufficient to discharge the debts of said estate:

An act to incorporate the Mobile Navigation and Insurance Company:

An act to incorporate the Dayton Literary Association:

An act to make appropriations for the payment of certain claims against the State:

An act for the relief of Thomas J. Zimmerman and Wm. O. Pullen:

And an act to authorize the signing and sealing of bills of exceptions in criminal cases:

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, has approved bills of the following titles:

An act to incorporate the town of Greenville, in Butler county, and for other purposes:

Joint memorial and resolution, in regard to the Muscle Shoals Canal, in Lauderdale county:

An act for the relief of James M. Young:

An act in relation to the compensation of Bank Attorneys:

Message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has adopted joint resolutions concerning the salt springs and salt wells belonging to this State, in Clarke county.

Mr. Hubbard, from the committee of conference on the homestead bill, reported the bill back to the House, with a substitute; in which the House concurred.

Mr. Hendrix, from the select committee, to whom was referred a memorial and joint resolutions to the Congress of the United States, reported a substitute, and recommended its passage.

The report was laid on the table.

The amendment of the Senate to the resolution of the House, proposing to adjourn *sine die* on this day, by striking out Tuesday, and inserting Wednesday, at twelve o'clock, m., was concurred in.

And then the House adjourned.

NIGHT SESSION, February 14, 1843.

The House met pursuant to adjournment.

Mr. Ware, from the committee on internal improvement, to which was referred the memorial of the Tennessee Canal Commissioners, reported, that the prayer of the memorial ought not to be granted.

The report was laid on the table.

A message from the Senate, by Mr. Clitherall:

Mr. Speaker—I have the honor to inform the House of Representatives, that the Senate insists on its amendments to the bill to fix the compensation of the members of the General Assembly, and of the officers of the two Houses thereof, and have appointed Messrs. Hudson, Jones, McClanahan, Wilson and Fleming, a committee of conference on the part of the Senate, on the subject of disagreement between the two Houses.

A message from the Senate, by Mr. Scales:

Mr. Speaker—The Senate has adopted the resolution, that with the concurrence of the House, the two houses will assemble in the hall of the House, on the fourteenth instant, at eight p. m., for the purpose of electing a President and six Directors of the Bank of the State of Alabama; also, two members of the Tuscaloosa Medical Board.

Mr. Abernathy from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act defining the duties of the commissioners of roads and revenue for the county of Cherokee, and for other purposes:

An act to regulate the Bank of the State of Alabama, and for other purposes:

Joint resolutions upon the controversy between the States of Virginia and New York:

An act to amend an act entitled, an act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes:

An act for the relief of W. R. Bullock, and James House, of Sumter county:

An act explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed February thirteenth, eighteen hundred and forty-three.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles—

An act to repeal an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott, of Jackson county, passed January seventh, eighteen hundred and twenty-eight:

An act for the relief of Thomas Stringer, of Mobile county:

An act to fix, regulate, and reduce the fees and salaries of certain officers therein named:

An act to fix the compensation of the Judge of the county court of Mobile county:

An act for the relief of the tax collector of Dale county, for the year eighteen hundred and forty-one:

An act to repeal in part a certain act therein named:

An act to repeal an act entitled, an act for the relief of tales jurors in St. Clair and other counties, approved December twentieth, eighteen hundred and forty-one:

An act to alter the time of holding certain courts therein named:

An act to amend the law altering the mode of assessing and collecting the taxes in Pike county:

An act to amend an act to incorporate the town of Auburn, in Macon county:

An act for the relief of the tax collector of Covington county.

An act to make appropriations for the payment of certain claims against the State:

An act to authorize the signing and sealing of bills of exceptions in criminal cases:

Joint resolutions on the subject of the assumption of State debts by the General Government, and against the repudiation of State debts:

An act for the relief of Davis E. Gresham and William Joiner:

An act for the relief of Thomas J. Zimmerman and W. O. Pullen:

An act to divorce Thomas Downing from his wife, Sarah Downing:

An act to attach a part of Pickens to Greene county:

An act for the levying of a special tax to build a jail house, in the county of Barbour:



And an act to regulate the Bank of the State of Alabama, and for other purposes:

Which bills originated in the House of Representatives.

The House concurred in the resolution of the Senate, to go into the election of a President and six Directors of the Bank of the State of Alabama, and two members of the Tuscaloosa Medical Board.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, February 14th, 1843. }

*Gentlemen of the Senate and House of Representatives:*

In pursuance of the provisions of an act to regulate the Bank of the State of Alabama, and for other purposes, approved February fourteenth, one thousand eight hundred and forty-three, I have the honor to nominate the following gentlemen—*William G. Parish, James Guild, Robert Ellyson, James H. Dearing, James Hogan Joel White and A. V. Brumby*, as fit persons to be voted for as Directors of the Bank of the State of Alabama, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

Mr. Rice offered the following resolution—which was adopted:

*Resolved*, That the Senate be now invited into the hall of the House for the purpose of going into the election of a President and six Directors for the State Bank, also two members of the Medical Board of Tuscaloosa.

The Senate repaired to the hall of the House.

The two Houses first proceeded to the election of a President for the State Bank.

The name of *John Marrast*, being in nomination—Mr. Porter read the following recommendation:

We the undersigned, in regard to the liabilities of John Marrast, make the following statement—John Marrast is liable as principal to the Bank of the State of Alabama, for the sum of three thousand and fifty-eight dollars; he is not liable in any other sum either as principal or security, directly or indirectly, either to the Bank of the State of Alabama or either of its Branches. John Marrast is not under protest and has not been.

(Signed,)

DENNIS DENT,

*Of the Senate.*

BENJ. F. PORTER,

MARION BANKS,

WILLIAM R. SMITH,

WM. P. MERIWETHER,

*Of the House of Representatives.*

*John Marrast*, alone being in nomination, received all the votes cast, was declared by Mr. Speaker duly and constitutionally elected President of the Bank of the State of Alabama, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of six Directors for the State Bank.

*Messrs. Ellyson, White, Guild, Dearing, Hogan, Parish and Brumby* having been nominated by the Governor.

Those who voted for *Mr. Brumby*, are messrs. Baylor, Brindley, Buford, Dent, McAllister, McConnell, Moores, Phillips, Thornton, Walthall and Watrous of the Senate; and messrs. Abernathy, Barron, Bishop, Campbell, Cochran, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Fowler, Garland, Harrison, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McCoy, Miree, Murphey, Norman, Norris, Oliver, Roby, Smith of T. Storrs, Tate, Valliant, Ware, Watts, Witherspoon and Woodward of the House.

Those who voted for *Mr. Dearing*, are messrs. President, Baylor, Brindley, Buford, Creagh, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bothwell, Bridges, Cain, Campbell, Cooper, Dear, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of G. Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Smith of T. Storrs, Valliant, Walker, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Guild*, are Messrs. President, Baylor, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Banks, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Hogan*, are Messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Garland, Gasque, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kennedy of M. Kidd, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Storrs, Tate, Walker, Ware, Valliant, Watts, Whorton, Williams of P. and Witherspoon of the House.

Those who voted for *Mr. Ellyson*, are Messrs. President, Baylor, Brindley, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn,

Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Parish*, are messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McVay, Oliver, Phillips, Rodgers, Ross, Toulmin, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Crowder, Douglass, Dubose, Dunn, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Kennedy of L. Kidd, Martin, McClung, McMillion, Meriwether, Mundy, Murphy, Norman, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Tate, Walker, Ware, Watts, Whorton, Williams of P. and Woodward, of the House.

Those who voted for *Mr. White*, are messrs. President, Brindley, Buford, Creagh, Dent, Hudson, Jones, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

*Messrs. Ellyson, White, Guild, Hogan, Dearing and Parish*, having severally received the highest number and a majority of all the votes given, were declared by Mr. Speaker duly and constitutionally elected Directors of the Bank of the State of Alabama, for and during the term prescribed by law.

The two Houses next proceeded to the election of two members of the Tuscaloosa, Medical Board:

*Messrs. William S. Taylor, Reuben Searcy and William J. Hays*, were put nomination:

Those who voted for *Mr. Hays*, are messrs. Dent, Moores, Phillips, Thornton and Walthall of the Senate; and messrs. Banks, Crowder, English, Fletcher, Fowler, Hendrix, Kennedy of M. Meriwether, Oliver, Porter, Robinson, Smith of T. and Watts, of the House.

Those who voted for *Mr. Taylor*, are messrs. President, Baylor, Brindley, Creagh, Dent, Hudson, McClanahan, McConnell, McVay, Moores, Phillips, Toulmin and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Barclay, Barron, Bothwell, Bridges, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Jackson,

Jones of G. Kennedy of L. McClung, McCoy, McMillion, Miree, Mundy, Murphey, Norman, Norris, Oliver, Richeson, Robinson, Roby, Storrs, Valliant, Ware, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Searcy*, are messrs. President, Baylor, Brindley, Creagh, Hudson, McClanahan, McConnell, McVay, Thornton, Toulmin, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bothwell, Bridges, Campbell, Cochran, Cooper, Dear, Douglass, Dubose, Dunn, Earle, Erwin, Findley, Garland, Gasque, Harrison, Hill, Jackson, Jones of G. Kennedy of L. Kennedy of M. Martin, McMcClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Porter, Richeson, Robinson, Roby, Smith of T. Storrs, Valliant, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

*Messrs. Taylor and Searcy*, having received the highest vote, and a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected members of the Tuscaloosa Medical Board, for and during the time prescribed by law.

Mr. Kennedy of L. from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to incorporate the Aberfoil Academy, in Macon county:

An act to exempt, from and after the fourth July, eighteen hundred and forty-three, real estate, not exceeding forty acres, from execution upon contracts thereafter made:

An act to amend the laws in force for the creation of a school fund in Mobile county:

Mr. McClung offered the following resolution; which was unanimously adopted:

*Resolved*, That the thanks of this House are due to the Hon. John Erwin, for the able, dignified and impartial manner in which he has presided over its deliberations.

And then the House adjourned.

WEDNESDAY, February 15, 1843.

The House met pursuant to adjournment.

Mr. Rice introduced the following resolution; which was adopted:

*Resolved*, That a committee of three be appointed on the part of the House of Representatives, to act with such committee as may be appointed on the part of the Senate, to inform His Excellency the Governor that the two Houses of this General Assembly, have completed all the business before them; and are now ready to adjourn *sine die*, unless His Excellency has further communication to make to them.

Whereupon, Messrs. Rice, Douglass and Kidd, were appointed.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles, to wit:

An act for the relief of W. R. Bullock and James House, of Sumter county:

An act to amend an act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes :

An act explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed thirteenth February, eighteen hundred and forty-three :

An act defining the duties of commissioners of roads and revenue for Cherokee county, and for other purposes :

An act to amend the laws in force for the creation of a school fund in Mobile county :

An act to authorize Wm. H. Garrett to establish a ferry on the Coosa river, in Cherokee county :

An act to provide for the distribution of certain documents among the several counties of this State :

An act to exempt certain real estate, not exceeding forty acres, from execution upon contracts thereafter made :

An act to establish and abolish certain election precincts, and for other purposes :

An act to incorporate the Aberfoil Male and Female Academy, in Macon county :

An act to regulate and define the duties and liabilities of constables, and for other purposes :

An act to authorize the judge, and commissioners of the county of Cherokee, to purchase a certain lot of land for the use of the county therein named :

And an act to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county :

Which bills originated in the House of Representatives.

Mr. Bridges, from the committee on the part of the House, to confer with the committee on the part of the Senate, on the subject of disagreement between the two Houses upon the amendments made by the Senate to the bill to fix the compensation of the members of the General Assembly, and officers of the two Houses, have conferred with the committee on the part of the Senate, and ask leave to report, that the committee of conference have been unable to agree upon the subject of disagreement between the two Houses.

The committee on the part of the Senate refuses to recede from its amendments to the bill which has been submitted to their consideration ; and the committee on the part of this House, notwithstanding their anxious desire that the bill should pass, cannot admit a principle so unjust in itself, as the one which they think embraced in the amendment of the Senate. The bill which is the subject of controversy between the two Houses, proposes to reduce the compensation of the members of the General Assembly from four to three dollars per day. The amendment of the Senate proposes that this measure of reduction shall only apply to the members and officers of the House of Representatives.

To consent to such an unjust an invidious discrimination between the members and officers of the two houses, your committee believe would be inconsistent with a proper regard for the honor and dignity of this House.

Your committee regret that the measure now the subject of controversy should be defeated by the inflexible adherence of the Senate to their discriminating amendments. It is one of the several measures of reform and retrenchment, which your committee believe, are demanded by the public exigencies, and which this House has evinced a determination to carry out during the present session.

Your committee believe that the House of Representatives, have now performed its duty upon this question; it has exerted all its powers and resorted to all the measures known to parliamentary usage, to procure the passage of the bill.

We have reduced salaries in almost every department of the State. We have reduced the fees [of all officers; and your committee think it right and just, that the per diem compensation of the members of the General Assembly, should be reduced likewise; and believing that this reduction should apply equally to the members and officers of both Houses.

Your committee believe that the House of Representatives ought not to recede from its disagreement to the amendment made by the Senate.

Mr. Rice, from the committee appointed on the part of the House, to act with the committee on the part of the Senate, to wait on His Excellency the Governor, and inquire whether or not he had any further communication to make to them, and inform him that the two Houses are ready to adjourn *sine die*, reported that they had discharged that duty, and had been informed by the Governor, that he had no other communication to make.

Whereupon, Mr. Speaker, after having made a few appropriate remarks, bid the members of the House an affectionate farewell, and pronounced the House adjourned *sine die*.

JOHN ERWIN,

*Speaker of the House of Representatives*

Attest:

JOSEPH PHELAN, *Clerk.*